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Letter dated 1 November 2007 from the President of the Governing Council of the United Nations Compensation Commission to the President of the Security Council

The Governing Council of the United Nations Compensation Commission has concluded its sixty-fourth session, which was held at Geneva on 30 and 31 October 2007.

During the opening plenary meeting, representatives of the Governments of Kuwait and Iraq addressed the Council. Copies of their respective statements are being sent by mail with the original of this letter.

During the session, the Council considered reports on the activities of the Commission since the last session, in June 2007, and on payment activities, the distribution by Governments and international organizations of payments to successful claimants, and the return of undistributed funds.

With respect to the request made by the delegation of Iraq regarding its level of contribution to the Compensation Fund at the sixty-third session in June 2007 and reiterated at this session, the Council recalled that the Security Council, in resolution 1483 (2003), by which it reduced the level of the contribution of Iraq from 25 to 5 per cent, confirmed in paragraph 21 the authority of the Governing Council in dealing with the issue of the level of Iraq's contribution to the Fund. Accordingly, the current level of 5 per cent remains in force unless the Governing Council and the Government of Iraq decide otherwise. In its conclusion on this issue, the Governing Council also recalled decision 256 (S/AC.26/Dec.256 (2005)) taken at its fifty-eighth session on the payment mechanism, which, inter alia, provided priority in payment to successful environmental claims and other successful claims with outstanding amounts less than $500 million and noted that, on the basis of the current revenue to the Fund, those prioritized claims are expected to be paid in full by mid-2011, with the possibility that an increase in the revenue to the Fund may bring forward that date. The Council also recalled that, in approving the creation of the Follow-up Programme for Environmental Awards in December 2005, it had taken into consideration the request of the Government of Iraq that the Governing Council monitor the use of such awards and transparency in expenditures and noted that a change in the current level of contribution at this stage may delay the start-up and duration of a number of restoration projects that are part of the Follow-up Programme, and thus delay the implementation of the Programme as a whole. The Council, while expressing its understanding of the issues raised by the

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Government of Iraq, declined to reduce the current level of 5 per cent and requested the secretariat to inform Iraq accordingly.

With respect to the issue of arrangements for ensuring that payments are made to the Compensation Fund, the Council noted that the shortfall of income to the Fund had escalated to approximately $92 million with the release of the audit reports for the period ending 31 December 2006. The Council requested that the Secretary follow up with the Controller regarding the shortfall to the Fund and the action that needs to be taken, if any, to ensure that 5 per cent of the revenue from the sales of petroleum and petroleum products continues to be deposited into the Compensation Fund following any future transfer of oversight functions from the International Advisory and Monitoring Board to the Iraq Committee of Financial Experts, and report back to the Governing Council at a future informal meeting. The Governing Council also requested that the Secretary continue to monitor the shortfall and the outcome of future meetings of the International Advisory and Monitoring Board and keep the Council advised of any further developments.

During the session, the Council heard a briefing by the secretariat on the status of the Follow-up Programme for Environmental Awards. The Council took note of the expert candidates that have been assembled by Jordan to serve on its independent reviewer team under the guidelines for the Programme, which are annexed to decision 258 (S/AC.26/Dec.258 (2005)). The Council also took note of the expert candidates proposed by both Kuwait and Saudi Arabia to replace some members of their respective independent reviewer teams. The Council heard a briefing by the secretariat on the remediation project phasing plans required by the guidelines under decision 258 and considered a request made by Kuwait's National Focal Point to send a representative to a future informal meeting of the Working Group to discuss Kuwait's phasing approach. The Council also encouraged participating countries to expedite implementation of their respective environmental remediation and restoration projects under the Programme, and requested that the secretariat provide further updates on the Follow-up Programme at future sessions of the Governing Council.

The Council also discussed the implementation of the current archiving policy of the Compensation Commission as it relates to the disposal of records. In its consideration of the two options set out by the secretariat, the Council noted that payments information is retained by the secretariat in respect of all categories of claims. The Council also noted that the working materials currently in storage are not subject to the seven-year retention period determined by the Governing Council at its fiftieth session, and recommended that such materials accordingly be disposed of at the discretion of the secretariat.

With regard to claims files, the Council noted that the second option presented by the secretariat would result in a more efficient and cost-effective process for the disposal of documents, and accordingly that the secretariat will proceed as follows. First, the approximately 160,000 original category C and some category A and B claim files of the Government of Kuwait will be returned to Kuwait in accordance with its request, and subject to a number of conditions. Second, the secretariat will retrieve and separate the approximately 40,000 category C claim files with a disposal date during the years 2009 to 2014 for disposal at the scheduled time. Third, the secretariat will continue with the disposal of the remaining 210,000 category C claim files slated for disposal during the years 2006 to 2008

without the need to retrieve each file individually in the course of 2008. Further, it was agreed that, within a period of one month, the members of the Governing Council will have the opportunity to request that this issue be further discussed at an informal meeting, to be held as soon as practicable.

With respect to the audit of Compensation Commission activities, the Council took note of the final audit report of the Office of Internal Oversight Services on claims payments and the secretariat's response thereto, and the section on the Compensation Commission of the annual report of the Office of Internal Oversight Services to the General Assembly, and the response of the secretariat as was incorporated into the response of the Secretary-General.

In the course of the session, the twenty-fourth meeting of the Council's Committee on Administrative Matters was also held. The Committee considered and approved the budget of the Commission for the biennium 2008-2009, including the budget for the Follow-up Programme for Environmental Awards, and presented a report on its discussion, during the closing plenary meeting of the session.

The next payment to successful claimants pursuant to decision 256 is scheduled to be made on 31 January 2008 and there are now 28 approved claims (in categories E and F), with a total outstanding balance of approximately $29.4 billion, which have not been paid in full. The overall amount of compensation made available to date by the United Nations Compensation Commission is approximately $23 billion.

(*Signed*) Alex **Van Meeuwen**
President of the Governing Council

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Report of the Secretary-General on the situation in Somalia

I. Introduction

1. The present report is submitted pursuant to the statement of the President of the Security Council of 31 October 2001 (S/PRST/2001/30), in which the Council requested me to submit quarterly reports on the situation in Somalia. The report covers developments since my previous report, of 25 June (S/2007/381), including the progress and outcome of the National Reconciliation Congress, as well as efforts to promote an all-inclusive political process in Somalia pursuant to the request of the Security Council in its resolution 1772 (2007). It also includes an update on the security and human rights situation and on the humanitarian and development activities of the United Nations agencies and programmes for Somalia.

II. Main developments in Somalia

Political developments

2. During the period under review, the political situation in Somalia was marked by the exacerbation of divisions within the transitional federal institutions, the hardening stance of the opposition and the intensification of the insurgency. This led to political uncertainty and further delayed the implementation of the key tasks in the Transitional Federal Charter and progress towards national reconciliation.

3. The National Reconciliation Congress was held in Mogadishu from 15 July to 30 August 2007, with the participation of 2,600 delegates representing the clans, as well as women's groups and the Diaspora. The Congress was organized by the National Governance and Reconciliation Committee, which was chaired by former President Ali Mahdi Mohamed.

4. Some of the Hawiye subclans in Mogadishu, as well as the Asmara-based opposition, refused to attend the Congress. These opposition groups set preconditions for attending the Congress, including the withdrawal of Ethiopian troops from Somalia and the relocation of the Congress to a neutral venue, preferably outside Somalia, with an impartial party playing the role of the mediator.

5. At the conclusion of the Congress, participants agreed on a number of outcomes. These included the announcement of an end to all conflicts and feuds between Somali clans since 1991; a call to all Somali parties to voluntarily disarm

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and return looted property; the urging of the transitional federal institutions to complete the constitutional processes that would lead to a Federal State; the conduct of a census and free and fair elections before the end of the transitional period; the demand for a multiparty political system in the country; and a call upon the Transitional Federal Government to amend the Charter so as to allow non-parliamentarians to join the cabinet.

6. The leaders of the transitional federal institutions pledged to fully implement the recommendations adopted by the Congress. President Abdullahi Yusuf assured delegates that the Transitional Federal Government would hand over power following free and fair democratic elections at the end of the five-year transitional period in 2009. Ali Mahdi Mohamed also indicated that efforts would be made to reach out to the groups inside and outside Somalia opposed to the Transitional Federal Government. My Special Representative, François Lonseny Fall, led a delegation of the international community to Mogadishu, and urged leaders of the transitional federal institutions to broaden the reconciliation process and reach out to all opposition groups.

7. On 16 September, a Somali delegation led by President Yusuf and composed of the Prime Minister, the Speaker, the Chairman of the National Reconciliation Congress and other delegates visited Jeddah, Saudi Arabia. The Somali leaders signed an agreement, under the auspices of King Abdullah Bin Abdulaziz Al Saud of Saudi Arabia, on the implementation of the outcome of the Congress. President Yusuf and King Abdullah also discussed the possibility of sending peacekeepers from African and Arab countries to pave the way for the withdrawal of foreign forces. Subsequently, the Asmara-based opposition groups and some Hawiye clan elders rejected the agreement.

8. From 6 to 13 September, the coalition of opposition groups held a parallel congress called the Congress for the Liberation and Reconstitution of Somalia in Asmara. Participants included representatives of the Union of Islamic Courts, the "Free Parliamentarians" led by the former Speaker of the Transitional Federal Parliament, Sharif Hassan Sheikh Aden, the Somali Diaspora, as well as members of civil society and clan elders. The Conference concluded with the formation of the Alliance for the Liberation and Reconstitution of Somalia, the election of its leadership and the adoption of an action plan. Sheikh Sharif Sheikh Ahmed was appointed Chairman of the executive branch and Sharif Hassan Sheikh Aden, former Speaker of the Transitional Federal Parliament, was appointed head of the Central Committee, composed of 191 members. In its final communiqué, the Alliance for the Liberation and Reconstitution of Somalia underlined that its overriding aim was to liberate Somalia from Ethiopian occupation and launch a political reconstitution process that would involve all Somali stakeholders and rebuild a national State. The Alliance for the Liberation and Reconstitution of Somalia stated that it would enter into talks with the Transitional Federal Government only after the withdrawal of Ethiopian forces.

9. Members of the Hawiye opposition to the Transitional Federal Government based in Mogadishu distanced themselves from the Asmara Conference, stating that the organizers had not made the necessary arrangements for their transport to Asmara. On the other hand, some members of the Transitional Federal Parliament questioned the relevance of the Asmara Conference.

10. On 6 September, Prime Minister Ali Mohamed Gedi travelled to Djibouti to meet with Abukar Omar Adani, one of the main financial backers of the Union of Islamic Courts, and Bashir Rage Shirar, a former member of the Alliance for Reconstruction and Counter Terrorism, and, on 12 September, he met with Abdikassim Salad Hassan, former President of the Transitional National Government.

11. On 21 September, the Chairman of the Supreme Court, Yusuf Ali Harun, was arrested by the authorities in Baidoa along with his colleague, Mohamed Nur Shegow, a Supreme Court judge allegedly for embezzling funds and other unspecified crimes. In reaction, Prime Minister Gedi held an extraordinary meeting of the Cabinet on 22 September and demanded the immediate release of the two members of the judiciary, and ordered the dismissal of Attorney General Abdullahi Dahir, who had reportedly instigated the arrest of the judge and the Chairman of the Supreme Court. On 1 October, Prime Minister Gedi wrote to my new Special Representative, Ahmedou Ould Abdallah, conveying the Cabinet's stance on the issue. Attorney General Dahir refused to leave his post and maintained that Chief Justice Yusuf Ali Harun and Judge Mohamed Nur should face corruption charges. This incident created a serious rift within the executive branch of the transitional federal institutions. On 27 September, President Yusuf signed a decree dismissing Chief Justice Yusuf Ali Harun.

12. During the month of October, members of the Transitional Federal Parliament in Baidoa deliberated on the performance of Prime Minister Gedi's Government since the beginning of the transition period. The deepening political rift between President Yusuf and Prime Minister Gedi became a subject of legal debate with both sides having different interpretations of the Charter, particularly whether the deadline of two and half years for the completion of federalism had been reached, and with President Yusuf accusing the Prime Minister of failure to meet the established benchmarks. Consequently, on 22 October, members of Parliament voted by 115 votes to 23 with 99 abstentions to table the constitutional dispute between the President and the Prime Minister. Following the vote, Prime Minister Gedi travelled to Addis Ababa for the second time in October to consult with the Ethiopian authorities.

13. On 29 October, Prime Minister Gedi tendered his resignation, which was accepted by President Yusuf. Deputy Prime Minister Salim Aliyow Ibrow was appointed acting Prime Minister pending Parliament's election of a permanent replacement. President Yusuf has since initiated consultations with clan and political leaders to appoint a new Prime Minister.

14. Meanwhile, on 17 September, fighting broke out between forces loyal to the self-declared independent republic of "Somaliland" and the semi-autonomous region of "Puntland" in Laascaanood, the capital of the disputed Sool region. Although the fighting started as a result of intra-clan tensions, it continued sporadically through September, drawing security forces from both "Somaliland" and "Puntland" and resulting in a high number of casualties. My Special Representative and his team urged senior "Somaliland" and "Puntland" officials to de-escalate the situation and reduce tensions in the region. In October, the situation in the Sool and Sanaag regions deteriorated further, with increased fighting between both parties. On 15 October, after heavy fighting which resulted in at least 10 deaths, "Somaliland" troops took control of Laascaanood. In the aftermath, "Puntland" mobilized its

forces to regain control of the area and repel what they considered an invasion by "Somaliland" authorities and foreign elements. "Somaliland" rejected the allegations and vowed to continue the struggle until the region was liberated.

Security situation

15. During the reporting period, there was no significant improvement in the security situation in Somalia. The situation in Mogadishu remained volatile, with daily attacks mostly by insurgents targeting Transitional Federal Government forces and Ethiopian military personnel. The United Nations security phases in effect in Somalia are indicative of the security situation. Mogadishu and the district of Badhadwe are in phase five (evacuation of all United Nations staff), and the remainder of Somalia is in phase four (emergency operations only), except for the western part of "Somaliland", which is in phase three. Somalia presents one of the most challenging security environments, with considerable restrictions on United Nations operations, particularly in the capital city.

16. In its final report, dated 18 July 2007 (S/2007/436), the Monitoring Group on Somalia, established pursuant to Security Council resolution 1724 (2006), stated that "Somalia is literally awash with arms" from various sources, and that the quantities and variety of arms entering the country, in violation of the arms embargo were greater than at any time since the early 1990s. The Monitoring Group also stated that huge quantities of arms were being supplied to various actors in Somalia, exacerbating the already precarious and volatile security situation in the country.

17. The Transitional Federal Government and Ethiopian forces continued to concentrate on securing Mogadishu and seeking to apprehend and disarm insurgent elements. Limited progress has been made to date, with targeted attacks by insurgents continuing on a regular basis. Such attacks include the use of roadside bombs, rocket-propelled grenades, mortar and hand grenade attacks against Transitional Federal Government personnel and Ethiopian forces. In addition, there have been frequent gun battles between the Transitional Federal Government security forces and insurgent elements lasting several hours. On 27 October, local insurgents and Ethiopian troops engaged in some of the heaviest fighting in Mogadishu in months.

18. Most checkpoints are now being manned by militias loyal to the Transitional Federal Government, many of which appear to lack a proper command structure and training. The Transitional Federal Government has difficulties in maintaining security in the absence of professional police and military forces, although it has recently taken steps to rectify this concern. While the United Nations does not so far appear to be a primary target of any attack, recent developments and information received through multiple open sources are beginning to generate more concern. The arrest and subsequent release of national staff of the United Nations Political Office for Somalia and the World Food Programme (WFP) is a case in point.

19. Following an unusually heavy insurgent attack on a police station in the Hodan district of Mogadishu on 28 September, President Yusuf called a meeting of cabinet members and senior security officials to address the deteriorating security in the capital. New security measures were considered at the meeting. Other measures included special training courses for militiamen in the police and military forces of

the Transitional Federal Government, as well as improved coordination of military operations with external forces based in Mogadishu.

20. Civilians have been caught in the line of fire as insurgents continue to stage targeted assassinations and suicide bombings. Furthermore, Transitional Federal Government forces and Ethiopian troops have, at times, opened fire indiscriminately, causing many civilian casualties. Although September witnessed fewer incidents than those seen in July and August, the magnitude and seriousness of the incidents has risen sharply, with the increasing use of rocket-propelled grenades and high calibre weapons. In addition, there has been a spate of assassinations targeting Transitional Federal Government district administration officials, clan elders and prominent journalists.

21. Elsewhere, lawlessness and interclan violence continued in large areas of central and southern Somalia. Tensions remained high in the Lower Juba region, particularly in and around the strategic port city of Kismaayo, which is witnessing a continued power struggle between the leading Darod clans — the Marehan and the Majerteen — for control of the city. The Hiraan and Galguduud regions also saw interclan tensions and confrontations during the reporting period.

22. Piracy incidents, which had diminished significantly throughout most of 2006, are on the rise again. Pirate attacks continue to threaten the delivery of humanitarian assistance. The work of humanitarian agencies has been considerably affected by the insecurity of recent months both on land and at sea. Nearly 80 per cent of assistance to Somalia by the World Food Programme (WFP) is shipped by sea, but the availability of vessels willing to carry food to the country has been cut by half because of piracy. According to the International Maritime Organization, 15 hijackings of ships took place in the first half of 2007, with 2 of the attacks involving WFP-chartered ships.

23. On 25 September, the President of France announced that his country would be prepared to send warships to protect humanitarian supplies, especially assistance provided by WFP, for a period of two months. He also invited other members of the international community to join this initiative. My Special Representative issued a statement welcoming the contribution from France.

III. Activities of the United Nations and the international community

24. In compliance with Security Council resolution 1744 (2007), in which the Council requested me to assist the transitional federal institutions with the National Reconciliation Congress, my Special Representative coordinated efforts of members of the international community to provide support and assistance to the Congress, through the International Advisory Committee. During the Congress, delegates from the Committee made five visits to Mogadishu, where they addressed the participants and held talks with the National Governance and Reconciliation Committee and Transitional Federal Government officials. The Committee also held talks with the Hawiye opposition to encourage them to use the Congress as a forum to voice their grievances. In addition, throughout this period, the Committee discussed financial and technical issues with the organizing committee.

25. On 10 September, the International Contact Group held a meeting in Rome to review the political, security and humanitarian developments in Somalia. Participants called upon the transitional federal institutions to implement, in good faith, the recommendations of the National Reconciliation Congress, and to urgently develop a road map for the remainder of the transition period, including the drafting of the new Federal Constitution, the conduct of a population census and preparations for national elections in 2009, as set out in the Transitional Federal Charter. Members of the Contact Group welcomed the commitment by President Abdullahi Yusuf Ahmed at the closing session to pave a new political path that will win the confidence of the Somali people and to continue the dialogue process.

26. The meeting of the International Contact Group was followed by a meeting in Stockholm on 14 September, regrouping key international donors, including Sweden, Italy, Norway, the United Kingdom of Great Britain and Northern Ireland, the European Commission, the World Bank and the United Nations, to coordinate assistance strategies for Somalia. The meeting discussed possible steps to prepare the ground for an eventual donor conference for Somalia.

27. My new Special Representative, Ahmedou Ould-Abdallah, assumed his responsibilities in Nairobi on 19 September. On 22 September, Mr. Ould-Abdallah visited Mogadishu where he met with the President, Prime Minister and Speaker of Parliament, as well as with Ali Mahdi, the Chairman of the National Governance and Reconciliation Committee. He also joined the leaders of the transitional federal institutions in planting trees at Villa Somalia in commemoration of the International Day of Peace.

28. On 15 October 2007, my Special Representative convened a meeting of the special envoys on Somalia to foster greater unity of action within the international community. Participants expressed concern about the humanitarian situation in Somalia, and agreed to the proposal made by my Representative to seek a written commitment from all Somali parties to allow free access to humanitarian delivery and to refrain from harassing humanitarian workers. Also, considering the lack of progress and consensus among the Somali parties and the fast approaching end of the transition period, it was felt that the international community should elaborate a new agenda for peace and stability in the country.

29. On 25 October, my Special Representative chaired a workshop co-organized by the United Nations Political Office for Somalia and the United Kingdom Department for International Development to develop a harmonized approach among all partners under the leadership of the United Nations. The following five points were proposed on the way forward: (a) an agreed international plan of action, including the commitment of regional and external actors; (b) an agreed engagement with Somali actors, transitional federal institutions, opposition groups, business community, civil society organizations, diaspora, etc; (c) promotion of the implementation of the outcomes of the National Reconciliation Congress; (d) a prioritized and agreed approach on security sector stabilization; and (e) greater coordination within the international community.

IV. African Union Mission in Somalia

30. As stated in previous reports, on 20 February, the Security Council, in its resolution 1744 (2007), endorsed the establishment of the African Union Mission in

Somalia (AMISOM), based on the communiqué of the African Union Peace and Security Council of 19 January to carry out the following mandate: (a) to support dialogue and reconciliation in Somalia by assisting with the free movement, safe passage and protection of all those involved with the process; (b) to provide, as appropriate, protection to the transitional federal institutions to help them carry out their functions of government, and security for key infrastructure; (c) to assist, within its capabilities, and in coordination with other parties, with implementation of the National Security and Stabilization Plan, in particular the effective re-establishment and training of all-inclusive Somali security forces; (d) to contribute, as may be requested and within capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance; and (e) to protect its personnel, facilities, installations, equipment and mission, and to ensure the security and freedom of movement of its personnel. On 18 July, the African Union Peace and Security Council decided to extend the mandate of AMISOM for a further period of six months. On 20 August, the Security Council in its resolution 1772 (2007) welcomed the extension of the AMISOM mandate.

31. The deployment of AMISOM in Mogadishu is moving ahead slowly. To date, of the 8 000 troops authorized for AMISOM, only Uganda has contributed troops to the Mission, including two battalions and a force headquarters that were deployed to Mogadishu in early March 2007. The Ugandan troops are facing considerable security challenges, and have therefore limited their activities to patrolling parts of the city and assisting in the provision of humanitarian assistance. In a recent development, on 7 October, two mortars were fired at AMISOM premises in central Mogadishu. No casualties were reported. In the meantime, the Government of Burundi has sent a reconnaissance party to Mogadishu in preparation for the deployment of two battalions that have completed technical training provided by United States and French military trainers.

32. Currently, the African Union is facing serious financial, logistical and other constraints in deploying troops which would join the two Ugandan battalions already in the Somali capital. Together with the African Union, the United Nations is exploring possibilities for providing further assistance in strengthening and expanding the AMISOM presence on the ground. In addition, the United Nations has assisted in mobilizing bilateral assistance for troop-contributing countries, thereby speeding up the deployment of pledged contingents, and possibly encouraging other countries to contribute troops. The United Nations is also working with the African Union in developing an appropriate support package for AMISOM.

Contingency planning

33. Under the prevailing political and security situation, I believe that the deployment of a United Nations peacekeeping operation cannot be considered a realistic and viable option. Furthermore, it has not been feasible, for security reasons, to send a technical assessment mission to Somalia. Nevertheless, a strategic assessment of United Nations interventions in Somalia has been initiated, with a view to providing an integrated approach and framework for United Nations engagement in Somalia. In addition, the Department of Peacekeeping Operations continues to review and update the existing contingency planning for a possible

peacekeeping operation and, as noted above, to assist the African Union in supporting AMISOM.

34. Given the complex security situation in Somalia, it may be advisable to look at additional security options, including the deployment of a robust multinational force or coalition of the willing. Such a force could initially be small and self-sustaining, growing over time with the achievement of specific security and political milestones. In due time, such a force could be built to a level that would enable Ethiopian forces to commence a partial, then complete withdrawal from the country.

V. Humanitarian situation

35. The humanitarian situation in south-central Somalia continued to deteriorate during the reporting period. Overall, 1.5 million people are in need of humanitarian assistance, a 50 per cent increase since the beginning of the year. Hundreds of thousands have fled Mogadishu to areas that lack basic social services, employment opportunities and protection. WFP requires 60,000 metric tons of food to feed 1.2 million people between August and December 2007. The humanitarian response has been hindered by mounting insecurity, lack of access to populations in need, restrictions on movement and lack of capacity on the ground. In particular, the presence and technical expertise of more non-governmental organizations is needed in Somalia with adequate financial support from donors to implement humanitarian programmes.

36. There are currently 750,000 internally displaced persons in Somalia, of which 400,000 are long-term and 350,000 are newly displaced. During the relative quiet between April and June, about 125,000 people returned to Mogadishu. Since June, over 64,000 internally displaced persons have again moved out of the capital. Since the beginning of the year, an estimated 20,000 Somalis have fled to the eastern region of Ethiopia and have been accommodated in a newly established refugee camp or supported through a community-based assistance strategy. Although the Somali border with Kenya remains officially closed, the Office of the United Nations High Commissioner for Refugees (UNHCR) recorded more than 4,000 new Somali refugees in eastern Kenya.

37. The United Nations country team has conducted several missions to Mogadishu as part of the ongoing effort to address the dire humanitarian needs of 100,000 internally displaced persons along the Mogadishu/Afgooye road. Food and non-food items, including clean water and plastic sheeting, were provided to the internally displaced persons. United Nations agencies and non-governmental organizations plan to scale-up emergency response programmes in the internally displaced person settlements, as well as the food insecure zones in south-central Somalia.

38. In August, the Food Security Analysis Unit of the Food and Agriculture Organization of the United Nations (FAO) issued an alert concerning the Shabelle regions of south-central Somalia, which are currently facing a food security and nutrition crisis, with malnutrition rates well above the emergency threshold. A series of multiple shocks has transformed Somalia's "bread-basket" into a humanitarian emergency. Some of these include the poor rains from April to June, which resulted in the worst cereal harvest in 13 years, although most of the shocks are conflict related. There is a serious risk that the nutrition situation could further deteriorate.

At least 500,000 people, both residents and internally displaced persons, are in need of assistance in Middle and Lower Shabelle.

39. Access continues to be a challenge. Humanitarian goods, including WFP trucks laden with emergency rations for internally displaced persons fleeing the violence in Mogadishu, have frequently been subject to Transitional Federal Government checkpoints and arbitrary taxation and customs fees at ad hoc roadblocks manned by armed militias.

40. On 17 October, a group of 50 heavily armed Transitional Federal Government soldiers violated the United Nations premises in Mogadishu and forcefully arrested the WFP Head of Office. WFP temporarily suspended food distributions. I issued a statement condemning the arrest of the WFP officer and called for his immediate and unconditional release. On 22 October, the staff member was released. Subsequently, food aid and all other United Nations planned activities were resumed. The United Nations country team and the Transitional Federal Government agreed to undertake a joint fact-finding exercise to determine the circumstances of the arrest.

41. By the end of September, the consolidated appeal for Somalia was 53.2 per cent funded, with $161 million committed out of $304 million required. In addition, the Humanitarian Response Fund, which was established to ensure timely emergency response, disbursed $10 million to United Nations agencies and non-governmental organizations for 48 projects. Planning for the 2008 consolidated appeals process has begun, with estimated needs expected to increase given the ongoing conflict, displacement and rain failure.

VI. Human rights and protection

42. The deteriorating human rights situation in Somalia, particularly the issue of protection in Mogadishu, remains a serious concern. Independent media and journalists are repeatedly facing increased harassment by the Transitional Federal Government. In August and September, four journalists were killed, bringing to eight the number of journalists murdered since the beginning of the year. The Transitional Federal Government has yet to conduct an investigation or publicly condemn these assassinations.

43. Although it remains difficult to ascertain the number of casualties, local human rights organizations report that, in July, more than 100 civilians lost their lives in the course of house-to-house searches and fighting between the Transitional Federal Government/Ethiopian troops and insurgents in Mogadishu. In August, the reported figure increased to 200 civilians killed and 400 others wounded. Due to restrictions on movement imposed by Transitional Federal Government troops, the ability of humanitarian agencies to provide assistance has been critically undermined. Furthermore, local human rights defenders and humanitarian workers are reportedly subject to threats and intimidation by the Transitional Federal Government troops. The operational capacity of Médecins sans frontières has significantly diminished due to reported harassment of its medical staff by troops. According to Médecins sans frontières, Transitional Federal Government forces and Ethiopian troops have entered hospitals to arrest suspected wounded insurgents in violation of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. The International Committee of the Red Cross

continues to receive a significant number of wounded civilians daily as a result of the ongoing conflict in the capital.

44. Local human rights organizations have expressed serious concerns at the rapidly deteriorating living conditions of the population in the capital resulting from the burning of the Bakara market and its ensuing economic impact.

45. Targeted assassinations of district officials in the capital continue unabated. Since January, a total of 15 district commissioners or deputy district commissioners have reportedly been murdered in the capital.

46. The independent expert appointed by the Secretary-General on the situation of human rights in Somalia undertook a mission to Nairobi and Mogadishu from 17 to 21 September. He met with Prime Minister Gedi, who renewed previous pledges to ratify key human rights instruments and establish an independent national human rights institution. The expert urged the transitional federal institutions to actively pursue the integration of international human rights norms and standards into the reconstruction of its executive, legislative and judicial branches. He stressed that any future United Nations peacekeeping mission in Somalia should have a mandate to assist in the protection of civilians and should also feature a significant human rights component. The expert strongly urged the investigation of all human rights abuses committed in Somalia so that peace would not be built on impunity.

47. Human trafficking from Somalia to Yemen remains a growing concern, with large-scale movement expected, particularly due to ongoing instability in the Ogaden region in Ethiopia. In the last week of September, 14 smuggling boats carrying more than 1,500 people from Boosaaso reached the Yemeni coast, with 62 reported dead or missing. In early August, an inter-agency mission travelled to "Puntland" to discuss with Government officials ways to prevent and mitigate mixed migration. UNHCR is establishing tools to provide regular international protection to migrants who apply for refugee status, and is identifying possible preventive measures to avoid human trafficking.

48. Community mobilization for child protection has continued in all zones of Somalia. More than 200 communities have been mobilized and child protection committees established during the reporting period. The United Nations Children's Fund (UNICEF) has also trained over 50 teachers/mentors in Baidoa on psychosocial care and support of children. Monitoring of and reporting on Security Council resolution 1612 (2005), in particular in Mogadishu and surrounding areas, is ongoing. High-level advocacy has focused on the impact of conflict on children, in particular on the prevalent use of child soldiers.

VII. Operational activities to support peace

Reconciliation and peace initiatives

49. The United Nations Development Programme (UNDP) continued to provide technical and financial support to the National Reconciliation Congress, coordinating and administrating multidonor funding totalling some $8 million. It provided advisory support and capacity and assisted with organization, training, logistics and media and communications. UNDP also arranged and facilitated the visit of members of the National Governance and Reconciliation Committee, led by

its Chairman, Ali Mahdi, to Kigali to meet an advisory team from the Government of Rwanda to share experiences, lessons and best practices from Rwanda's own reconciliation experience.

50. The United Nations Population Fund (UNFPA) promoted the inclusion of women in the National Reconciliation Congress, and supported a three-day workshop in Mogadishu for 40 local non-governmental organizations, with the aim of advocating for women's participation in political decision-making in general, and in the Congress in particular, especially in ensuring that women are represented and that their voices are heard in the Congress.

Health, child survival, maternal and child health

51. UNICEF and the World Health Organization (WHO) have completed accelerated child survival and development strategy for 2008-2009. The initiative aims to reduce under-five mortality by 15 per cent over the two year period, reaching 1.8 million infant and young children and 1.6 million women of childbearing age with a specially designed package of basic interventions twice each year. The strategy is part of the United Nations transition plan for Somalia for 2008-2009.

52. UNFPA supported 23 mother and child health clinics with supplies and drugs for safe motherhood and antenatal care, including equipment for emergency obstetric care to three referral hospitals in Mogadishu, Baidoa and Gaalkacyo. UNICEF continued to supply over 100 mother and child health facilities and 15 hospitals throughout Somalia with highly effective anti-malaria treatment. UNICEF/WHO subnational immunization days campaigns vaccinated 597,989 children under five against polio in 35 of 113 districts (coverage 99 per cent). In July, 1,691,219 children were also vaccinated against polio. Wild polio virus cases in 2007 remained stable at eight, with no new cases reported since March 2007. Some 68,998 children between 9 months and 5 years of age were vaccinated against measles in the Lower Shabelle region through a joint UNICEF/WHO 10-day measles catch-up campaign. WHO continues to conduct supplementary immunization campaigns, including national immunization days, to increase coverage all over Somalia. UNFPA also supported the training of 34 auxiliary nurses from 23 health facilities in south-central Somalia. A major set back was the killing of a national polio officer in Abudwak district, Galguduud region, in the central zone of Somalia close to the Ethiopian border.

53. While the reconstruction of the outpatient department of the Bay regional hospital in Baidoa was completed successfully, in a coordinated effort between WHO and the United Nations Office for Project Services (UNOPS), other rehabilitation activities of key health-care facilities have been initiated in south-central Somalia to increase access to quality health care.

54. In a health cluster, coordination meetings between health agencies are carried out inside Somalia, including Baidoa, Mogadishu, Beledweyne and Xuddur. The ongoing regional health profile, led jointly by WHO and implementing partners, aims to develop a comprehensive picture of all health-related activities. WHO continues to support the Ministry of Health of the Transitional Federal Government through the rehabilitation of and provision of equipment for its offices in

Mogadishu, and the recruitment of a special adviser to the Minister, based in the WHO office in Baidoa.

Safe water, sanitation and hygiene education

55. The construction or rehabilitation of urban water supply systems, small rural water systems, rural water yards and shallow/hand dug wells is ongoing. This has resulted in increased access to safe and clean water for approximately 30,000 additional people in south-central Somalia. UNICEF is working to ensure their sustainability by training local water committees to manage, administer, operate and maintain the water sources.

56. UNICEF helped communities to establish and train 1,580 community education committees in all zones to construct and improve water and sanitation facilities in primary schools, and to promote improved sanitation and hygiene practices by schoolchildren. More than 20 schools benefited from improved sanitation facilities, and a number of communities and internally displaced persons settlements benefited from 82 latrines. More than 12,000 adults and 1,200 children in south-central Somalia had improved hygiene awareness through participatory hygiene and sanitation transformation and children's hygiene and sanitation training methodologies.

57. WHO contributed to the containment of the acute watery diarrhoea/cholera outbreak in south-central Somalia between March and June 2007 through its training efforts in proper case management in the affected areas. As of September 2007, a total of 4,342 acute watery diarrhoea cases were reported in Somaliland, including 49 related deaths. During the past four months, as the acute watery diarrhoea outbreak was brought under control, UNICEF chlorinated 800 water sources.

58. WHO is stepping up its efforts to prevent similar outbreaks from occurring or spreading, through the implementation of the early warning and response system for early detection and rapid response of disease outbreaks. As part of the system, WHO will be upgrading two reference public health laboratories and six regional laboratories in south-central Somalia. Another key component is the elaboration of outbreak preparedness plans at the regional and zonal levels.

Education

59. A total of 4,650 pupils graduated during the reporting period. However, there is serious concern that many students will not be enrolled in the new term, especially in Mogadishu, owing to the prevailing security situation.

60. Between July and August, UNICEF delivered 360 school tents to Mogadishu, Kismaayo, Baidoa and Jawhar to provide temporary school spaces for the start of the new school year. Eight tented schools have also been established to cater for schoolchildren in internally displaced persons camps in Boosaaso. In the north-east zone, UNICEF is supporting the construction of nine new schools to benefit 2,880 schoolchildren. School desks and benches have also been provided to 25 existing schools in the zone, benefiting over 3,000 pupils. A total of 36,315 textbooks and teacher guides, and 6,000 non-formal education modules and teacher guides were dispatched to the three zones of Somalia and are ready for distribution

to 1,733 schools. This will benefit approximately 393,856 schoolchildren. In addition, 2,272 education kits were procured and will soon be dispatched to benefit approximately 132,000 schoolchildren in south-central Somalia.

61. As part of a multisectoral peacebuilding project on the contentious "green line" separating north and south Gaalkacyo, UNICEF has completed the rehabilitation of Salama Primary School, which will benefit 800 schoolchildren. Two child protection advocates were trained and deployed to the internally displaced persons communities of Gaalkacyo, where they will carry out community mobilization activities for child protection, with a focus on sexual and gender-based violence.

Livelihoods and food security

62. In June, FAO, as lead agency of the agriculture and livelihood cluster, initiated the establishment of an intra-cluster programme to rebuild the livelihoods of recently displaced populations from Mogadishu. The programme will focus on restoring assets (e.g., livestock to destitute pastoralists) in the regions of Galguduud, Mudug and Hiraan, where the majority (65 per cent) of the internally displaced persons have fled.

63. The key findings of FAO Food Security Analysis Unit on the post-Gu rains analysis were presented, on 13 August, to the Food Security and Rural Development Committee of the Somali Support Secretariat. The analysis, which highlighted the emerging food security crisis in the Middle and Lower Shabelle regions, was factored into the agriculture and livelihoods cluster response plan of the consolidated appeals process, as well as in a submission for funding under the Central Emergency Response Fund to address the humanitarian emergency needs of 400,000 people.

Shelter

64. Shelter construction projects for internally displaced persons and returnees in Hargeysa, "Somaliland", and Garoowe, "Puntland" are at an advanced stage of completion, and a joint shelter intervention has recently been initiated in Boosaaso, "Puntland". UNHCR and the United Nations Human Settlements Programme (UN-Habitat) have finalized the 2008 shelter response plan that focuses on emergency shelter and improvement of internally displaced person settlements in south-central Somalia, while identifying more permanent shelter in the main towns of "Somaliland" and "Puntland".

Security and rule of law

65. The strategic efforts of UNDP are directed at strengthening the rule of law and security through support for both the police and the judiciary. One of the main tenets of police support is capacity-building, including training on human rights, accountability, providing training materials, refurbishing training facilities in Boosaaso and Baidoa and equipment such as vehicles, as part of wider efforts to reactivate the Somali police force. The aim is to create a police service accountable to the law for its operational activity, to the Government for its efficiency and

effectiveness, and to the population for the manner in which it polices their communities.

66. Some 1,400 police recruits graduated in August and September from the Armo and Labatinjirow Police Training Centre; two thirds will be deployed in south-central Somalia, and one third in "Puntland". Police trainers at both academies underwent a six-week train-the-trainers programme in March 2007. The police advisory committees have been actively undertaking their monitoring activities at eight police stations in Mogadishu. UNDP intends to expand the model to all 16 district police stations in Mogadishu, and later to key regional police stations across Somalia.

67. UNDP is working closely with judicial counterparts to develop a three-to-five year strategy on reactivation of the judiciary in Somalia, using a flexible approach to meet short-term challenges, while focusing on long-term sustainability. Both supply side (i.e., judges and lawyers) and demand side (i.e., barriers to access, legal awareness) actors will be included in a broad consultative process.

68. The Somali Demilitarization and Reintegration Programme, within the context of the National Security and Stabilization Plan, was established in June. Preliminary support is focused on capacity-building and strategy/policy development.

69. Reports of accidents caused by mines and unexploded ordnance continue, particularly in Mogadishu. To address this growing threat to civilian safety, UNICEF is supporting radio/television advocacy on the issue, as well as training on mine risk education for all 48 child protection advocates.

Governance and public administration

70. During the review period, UNDP continued its two-pronged strategy to develop governance institutions at the federal/State and local level. District-based reconciliation processes and participatory selection of district and regional authorities have progressed in south-central Somalia, with five new district councils, a regional council and a governor inaugurated in the Bakool region. A 21-day training course on principles of local governance, including dispute settlement, gender and minority inclusion, and the role of government in social service delivery for district and regional councillors and community leaders was completed for the new councils of Bay region, and is under way in each district of the Bakool region. The district-based reconciliation process has started in the 19 districts of Gedo, Middle Shabelle and Hiraan regions. The process is led by the Ministry of Interior of the Transitional Federal Government, with support from UNDP and UNOPS.

71. Rehabilitation of district and regional government compounds is under way in Bay region, and engineering surveys have been completed and tenders launched in Bakool region. Regions that successfully conclude local reconciliation processes and select new leaders through a participatory process will receive United Nations support to establish administrations, rebuild infrastructure, train staff and undertake service delivery projects.

72. UNDP supported the Ministry of Interior in its efforts to convene a broad-based committee in Mogadishu of professionals, traditional and religious leaders, non-governmental organizations and community representatives to draft a city charter. The Independent Federal Constitutional Commission undertook a training

workshop on models of federalism, and a study tour to Yemen, as part of preparatory capacity-building for the Commission, with support from UNDP.

73. UNFPA, in collaboration with UNDP, supported statistical capacity-building through trainings on data collection and processing for civil servants and university graduates in Hargeysa and Garoowe.

74. UN-Habitat continued its work focusing on urban governance, including legal and institutional reforms, strengthening municipal governance and the role of civil society, urban management, including strategic planning, land management, municipal finance, delivery of basic services and local economic development, and the implementation of local strategic projects, such as housing projects, construction of markets and slaughterhouses, basic urban infrastructure and upgrading of displaced people's settlements. Finance staff from nine municipal authorities in "Somaliland" and "Puntland" completed an elaborate training programme supported by UN-Habitat.

75. UN-Habitat is also developing land management information systems to provide information for the collection of land use taxes so as to increase municipal revenues. Support is being provided to central and local authorities in the development of improved legal frameworks and strategies for urban land management, advocacy for secure tenure, land allocation for settlement of internally displaced persons and returnees, and planning of new settlement areas and zones for urban expansion.

HIV/AIDS and gender-based violence

76. A workplan of the joint United Nations team on AIDS covering the period June 2007-December 2009 has been elaborated within the United Nations transition plan. The AIDS response continues to build bridges between "Puntland", "Somaliland" and south-central Somalia through multisectoral AIDS commissions supported by resources from the United Nations and the Global Fund to Fight AIDS, Tuberculosis and Malaria to avert a major AIDS epidemic.

77. The unpublished sero surveillance report of women attending antenatal clinics in 2007 indicates that prevalence has not decreased. The epidemic is already generalized in "Puntland" and "Somaliland", and is of alarming proportions, especially among young people. The joint team has begun to map the vulnerable and cross-border populations.

78. As part of the "Unite for children, unite against AIDS" campaign, 27 religious leaders were trained on HIV advocacy and how to incorporate HIV prevention, care and support messages into their sermons and community work. Through the woman-to-woman initiative, 1,900 young girls and women across Somalia have completed peer education classes. Some 17 functioning quality-assured voluntary counselling and testing centres now exist across the country; five centres of excellence have been established and are providing a comprehensive package of treatment and care for opportunistic infections and AIDS; and some 40 local non-governmental organizations have been strengthened.

79. Cases of rape and other sexual and gender-based violence have been reported as one of the most common human rights violations being committed by the warring factions and other groups in Mogadishu. Women and girls are being raped within the

city, on their way to safer areas and on arrival at their refuge destinations. This includes gang rape by soldiers and other local militia. Some are reported to have been captured and turned into sex slaves for weeks. Numerous cases of sexual violence have also been reported in "Somaliland", specifically in Burao. Some of the perpetrators were arrested; however, in other cases, there was no follow-up or support provided by the authorities. In Hargeysa, a survey carried out by human right monitors indicated that some newly arrived internally displaced persons were raped on their way to "Somaliland" from south and central Somalia. The United Nations and other humanitarian actors continue to raise awareness and to implement activities on prevention and response mechanisms to address sexual and gender-based violence.

80. UNFPA mobilized the participation of youth for peace through supporting events on the International Day of Peace and on the International Youth Day in Baidoa, Mogadishu and Hargeysa as a means for communities to discuss ways of stopping violence in general, and against women in particular. UNFPA supported workshops in Mogadishu and Merka for women and youth activists working in internally displaced person camps on how to prevent and respond to sexual and gender-based violence. A television series on sexual and gender-based violence was also produced targeting communities in Boosaaso. UNFPA trained 25 nurses from 23 mother and child health centres in the south-central regions, on how to provide appropriate clinical and medical care to sexually abused persons, including appropriate case management.

VIII. Observations

81. As I mentioned in my letter to the Security Council of 20 September 2007 (S/2007/566), the United Nations is elaborating a two-track approach for Somalia based on: (a) a political track to encourage dialogue within the Transitional Federal Government itself and with all opposition groups both inside and outside Somalia, in the hope of bringing about a cessation of hostilities and the establishment of broad-based and inclusive transitional institutions; and (b) a security track that would necessitate the strengthening of AMISOM to a level that would allow for the withdrawal of foreign forces and create the necessary conditions for stability. In addition, I also recommended the strengthening of the United Nations Political Office for Somalia by providing it with the necessary resources to implement the two-pronged approach.

82. In pursuit of the two-pronged approach, the United Nations system, including the United Nations Political Office for Somalia and the United Nations country team, has also embarked on developing a coherent peacebuilding strategy for Somalia. In support of these efforts, an interdepartmental and inter-agency integrated task force on Somalia is being established.

83. Following a series of consultations held by my Special Representative in Nairobi, I am pleased to note the support voiced by members of the international community for the Special Representative of the Secretary-General Ould Abdallah and the United Nations Political Office for Somalia to play a leadership role in coordinating the efforts of all stakeholders.

84. I welcome the amicable resolution of the divisions between President Yusuf and Prime Minister Gedi and the conciliatory spirit of the statements issued by both

on the latter's resignation. I call upon the Transitional Federal Government to continue to seek peaceful solutions to its internal differences so as to focus its efforts on national reconciliation.

85. Despite its shortcomings, the National Reconciliation Congress is an important development that has created opportunities for political and broad-based social reconciliation in Somalia. It should be considered as a step in the long process of national reconciliation. My Special Representative will intensify his efforts, in close cooperation with key Somali actors and international partners, to foster inter-Somali dialogue, including with opposition groups both inside and outside Somalia. To this end, I urge the Transitional Federal Government to demonstrate its political will by strengthening its unity and reaching out to the opposition groups. Similarly, I call upon all armed and unarmed opposition groups to renounce violence and accept the Transitional Federal Charter, and thus create a conducive environment for dialogue and genuine reconciliation. I commend all international partners for their tireless efforts and commitment to help the Somali parties reach a comprehensive agreement.

86. I also call upon the leaders of the transitional federal institutions to implement without delay the recommendations of the National Reconciliation Congress, including the development of a roadmap for the completion of the tasks provided for in the Transitional Federal Charter, particularly the constitutional process, preparation for the national population census and the holding of elections scheduled for 2009, as well as the National Security and Stabilization Plan.

87. I am concerned with the ongoing violence between "Puntland" and "Somaliland", and urge both to resort to peaceful means for resolving their dispute.

88. I condemn all acts of violence in Somalia and call upon all parties to cease hostilities and engage in the search for sustainable peace. I particularly call upon all parties to protect the civilian population and humanitarian workers. I also strongly condemn the attack on AMISOM premises in central Mogadishu, as well as the violation of the United Nations premises in Mogadishu, and urge all parties to refrain from acts of violence, the arrest of or any form of harassment against humanitarian workers.

89. I commend the AMISOM troops for their professionalism in discharging their duties in a very difficult environment. The strengthening of AMISOM capabilities on the ground, including the completion of its full deployment, remains an urgent priority. As mentioned earlier, the United Nations remains committed to providing all possible support to the African Union in strengthening AMISOM and expediting the completion of its full deployment. I urge States members of the African Union that have pledged to send troops to Somalia to do so without further delay. I also appeal to the international community to assist the African Union with the necessary logistical and financial resources for the deployment of AMISOM.

90. As I have indicated in my letter dated 20 September 2007 to the President of the Security Council (see para. 81 above) the international community should also consider, in addition to AMISOM and a possible United Nations peacekeeping force, other options, including a multinational force or a coalition of willing partners.

91. In the meantime, the United Nations will continue its efforts to address the serious humanitarian needs in the country. I encourage the international community

to continue to generously support humanitarian relief efforts in Somalia. I call upon all parties to provide unhindered access to relief efforts and to ensure strict compliance with international humanitarian law and human rights principles.

92. I reiterate the need to explore measures to deal with the regional dimensions of the Somali crisis, and to find ways to address the security concerns of Somalia and its neighbours, including respect of the sovereignty and territorial integrity of all States of the region.

93. I remain concerned by the continuing piracy off the coast of Somalia and its adverse impact on the safe delivery of humanitarian assistance and commercial shipping. Given the lack of capacity of the Transitional Federal Government to combat piracy, I reiterate the call to Member States of the United Nations with naval and military assets in the region to take action, in consultation with the Transitional Federal Government, to protect merchant shipping, with a particular focus on vessels transporting humanitarian aid.

94. Finally, I wish to reaffirm my deep appreciation to François Lonseny Fall, my former Special Representative, and his successor Ahmedou Ould Abdallah for their respective leadership and efforts to foster peace and reconciliation among the Somali people. I call upon all Somali parties and Member States to continue to give my new Special Representative their fullest support and cooperation in the pursuit of this goal.

United Nations S/2007/659

Security Council

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8 November 2007

Original: English

Letter dated 8 November 2007 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the Security Council

On instruction from my Government, I have the honour to transmit a letter dated 22 October 2007 from His Excellency President Ernest Bai Koroma to the Secretary-General on the renewal of the mandate of the United Nations Integrated Office in Sierra Leone (see annex). I would like to request that the present letter and its annex be circulated as a document of the Security Council.

(*Signed*) Joe R. **Pemagbi**
Ambassador
Permanent Representative

07-59050 (E) 091107

Annex to the letter dated 8 November 2007 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the Security Council

As the two-year mandate of the United Nations Integrated Office in Sierra Leone (UNIOSIL), established under Security Council resolution 1620 (2005) of 31 August 2005, expires at the end of December 2007, I write to share my Government's views on the situation in Sierra Leone and the presence of the United Nations in the country.

I am pleased to inform you that UNIOSIL has played an important role in the past two years in the peace consolidation process in Sierra Leone, as mandated by the Security Council. Among the achievements made with the political and substantive support of UNIOSIL, I wish to highlight the just concluded parliamentary and presidential elections, which every national and international observer considered highly credible. Moreover, UNIOSIL provided and continues to provide critical support in other major post-conflict areas, such as the strengthening and reform of the security and justice sectors, facilitating inter-party dialogue and confidence-building, establishing the national human rights commission, following up of the implementation of the recommendations of the report of the Truth and Reconciliation Commission, deepening the decentralization process and promoting the participation of women. It has also played a pivotal role in ensuring an effective engagement of Sierra Leone with the Peacebuilding Commission and Peacebuilding Fund and in providing a forum for policy dialogue and overall coordination between the Government and its international partners.

Notwithstanding the progress made over the past two years and the success achieved by UNIOSIL, many critical challenges still remain, which are very central for the completion of the stabilization and democratic processes, as well as for addressing fundamental questions of national reconciliation and political tolerance. The outcome of the recently concluded elections have once again demonstrated the need for further tangible progress in addressing the underlying causes of the conflict, including in the areas of governance reform and accountability, better functioning of key democratic institutions, such as parliament, enhancing the rule of law, promoting sustainable economic development and ensuring greater national cohesion.

In this regard, included among the specific tasks to be undertaken by my Government in the coming year are the ongoing revision of the 1991 Constitution, strengthening of the decentralization process and expansion of State administration at the local level, including the conduct of local government elections, enhancing anti-corruption measures, promoting public sector reforms and further enhancing the capacity and professionalism of the national security agencies. Engagement with the Peacebuilding Commission and the development and implementation of an integration peacebuilding strategy are also priority undertakings. My Government is committed to providing the necessary policy framework and national leadership towards achieving these objectives.

However, progress and successful implementation of the above-mentioned priority tasks would require the continued engagement and support of the international community, not only as development partners, but also within the peacebuilding and consolidation processes. For this reason, the continued political

presence of the United Nations in 2008, represented by a high-level official, as has been the case, is most necessary.

I am therefore requesting, and through you the Security Council, that the presence of the United Nations Integrated Office in Sierra Leone be extended, as currently structured, and with the same institutional link with the Secretariat, through the Department of Peacekeeping Operations, for a further one year after the end of December 2007.

United Nations S/2007/660

Security Council

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8 November 2007

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Letter dated 8 November 2007 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

Please allow me to make a few comments on your progress report on Ethiopia and Eritrea (S/2007/645) of 1 November 2007. My comments will specifically focus on your observations as reflected in section XIV of the report. My delegation attaches great importance to your reports and several efforts have been made in the past to ensure that there is more focus on the core issue of the Eritrea-Ethiopia peace process, which is demarcation. Regrettably, the current report is biased and fails to take full account of the progress made and the setbacks encountered during the reporting period.

In your previous report, of 18 July 2007 (S/2007/440), you expressed your deep concern at "the continued stalemate in the boundary demarcation process", and strongly urged "both countries to take advantage of the Commission's advice and assistance before it takes action to conclude its work at the end of November". And you drew "the parties' attention to the Commission's decision to convene a meeting with them on 6 September". Yet again, in the Observations' section of your report, no mention is made of this important event. This despite Security Council resolution 1767 (2007), in which the Council underlined "the importance of this meeting".

Demarcation being the core issue, the report does not give an accurate account of what transpired at the Hague meeting. In the same resolution, the Security Council stressed "the need for progress on demarcation", and it reiterated its call "upon both parties to cooperate fully with the EEBC, including participating constructively and with sufficient authority in the meeting to be convened by the EEBC on 6 September". Eritrea responded positively to the call of the Security Council by reaffirming its commitment and by demonstrating flexibility with regard to the concerns expressed by the Eritrea-Ethiopia Boundary Commission. The report, however, failed to welcome the flexibility Eritrea showed at that meeting. The willingness of Eritrea to cooperate with the Boundary Commission on all accounts should have been acknowledged, if not welcomed.

Furthermore, the report disregards the failure by Ethiopia to cooperate with the Boundary Commission and makes no demand on Ethiopia to address several of the concerns raised by the Boundary Commission during the Hague meeting, including the "unqualified acceptance of the 2002 Delimitation Decision without requiring broader ranging negotiations between the Parties". The most serious omission in the report is the recent threat by Ethiopia to withdraw from the Algiers Agreement. It is

07-59032 (E) 091107

not clear why the report chose to hide this fact. All the issues mentioned above ought to have been reflected in the report, not only for the record but also to bring the matter to the attention of the members of the Security Council.

Demands are also made in your report that are not part of the Algiers Agreement. Your report suggests compromise in the demarcation of the border by employing language such as "to find common ground" and "to find a mutually acceptable way". That is language that Ethiopia has been pushing for during the last few years in order to get away from its treaty obligations. I urge you to pay close attention to the letter of President Isaias Afwerki, which discusses at length the views of Eritrea on this matter and is attached to the report of the Boundary Commission.

I should be grateful if the present letter would be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

United Nations S/2007/661

Security Council

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8 November 2007

Original: English

Letter dated 8 November 2007 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter and note dated 25 July 2007 (S/2007/476) concerning the processing of letters of credit pertaining to the oil-for-food programme have been brought to the attention of the members of the Security Council.

The members of the Security Council continue to welcome the ongoing work of the Secretariat. In particular, they welcome the efforts of the Secretariat to meet again with the relevant authorities of the Government of Iraq in Amman, on 3 and 4 June 2007, where pending issues were discussed.

They further express their appreciation for the efforts of the Secretariat to resolve with BNP Paribas the concerns raised in your letter dated 9 April 2007. The members of the Council affirm that the oil-for-food programme will be terminated by 31 December 2007, and, to that end, seek the full cooperation of all relevant parties to fulfil their responsibilities.

Given that the oil-for-food programme is to be terminated on 31 December 2007, the members of the Council strongly encourage all companies previously involved with the programme and wishing to do business with Iraq to use normal commercial channels.

The members of the Council have considered the request of the Central Bank of Iraq pertaining to communication number 900655 and withhold their consent to approve the request.

They give their consent to the request of the Central Bank of Iraq concerning communication number 1100581. The decision of the Council in this regard shall not be construed as setting any precedent.

Furthermore, the members of the Council agree with your suggestion not to reinstate the contracts with communication numbers 900020 and 900109.

The members of the Council note that nothing in their decisions regarding the aforementioned contracts with communication numbers 900655, 900020 and 900109 shall prevent the sovereign Government of Iraq from determining whether those contracts should be fulfilled outside the oil-for-food programme.

In the light of the issues raised in paragraph 12 of your note, the members of the Council agree with your proposal to authorize, at the request of the Central Bank of Iraq, the renewal, reinstatement or extension through a period not to exceed

07-59038 (E) 121107

31 December 2007 of the letters of credit listed in annexes I and V of your note and any related amendments thereto, except the three letters of credit (communication numbers 900655, 900020 and 900109) mentioned above.

The members of the Council further agree to accept the authentication work associated with 17 letters of credit in annex VI of your note, completed by Cotecna at the time of handover of its functions to the Government of Iraq. Notwithstanding the provisions of relevant Security Council resolutions, the Council members request the Secretariat to issue all necessary documentation to BNP Paribas for early settlement of the related 17 letters of credit.

They also note your decision to retain funds originally held as collateral in respect of 47 expired letters of credit in the United Nations Iraq Account pending the full resolution of claims.

The members of the Council express their ongoing concern and disappointment regarding your observation of the slow provision or non-provision of authentication documents by the Government of Iraq. They remain concerned that there are currently 188 letters of credit with an approximate value of $209 million where the letters of credit have expired and for which there are claims of delivery from the suppliers. They continue to underline that this situation could present a serious risk to the possibility of the timely termination of the programme.

The members of the Council, referring to the letters of the President of the Security Council to you dated 11 August 2006 (S/2006/646), 29 January 2007 (S/2007/47) and 27 April 2007 (S/2007/242), reaffirm the importance of promptly finding a final solution to the remaining issues so that payments can be made to the concerned companies and so that the programme can close as currently scheduled.

To that end, they have addressed another letter to the Permanent Representative of Iraq to the United Nations urging the Government of Iraq to do its utmost, in liaison with the Secretariat of the United Nations, to expedite the processing of the remaining letters of credit, in particular those in respect of contracts where delivery has been effected.

They expressed concern about the chronic problem of the slow provision or non-provision of authentication documents, and invited the Permanent Representative to send a reply setting out the views and experiences of the Government of Iraq in this matter, and providing specific answers regarding the aforementioned issues, particularly allegations regarding improper withholding of authentication documents. The members of the Council noted their prior requests for such information from the Government of Iraq, and urged the Government of Iraq to reply.

The members of the Security Council request the Secretary-General to develop proposals to address unresolved issues, including the possible need for the establishment of mechanisms to deal with outstanding issues, and to report again to the Council on such issues within three weeks, bearing in mind the non-negotiable termination date of 31 December 2007 of the programme.

(*Signed*) R. M. Marty M. **Natalegawa**
President of the Security Council

United Nations S/2007/662

Security Council

Distr.: General
9 November 2007

Original: English

Identical letters dated 9 November 2007 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, and with regard to certain baseless Israeli allegations against the Islamic Republic of Iran contained in the most recent report of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (S/2007/641), I wish to state that the Islamic Republic of Iran categorically rejects the said allegations concerning the so-called "transfer of weaponry" to Lebanon, which are based on false and misleading information provided by the Zionist regime.

Undoubtedly, the Israeli regime, which has violated various provisions of resolution 1701 (2006) as indicated in the said report, has no credibility to level such baseless allegations against others. Therefore, the United Nations should avoid reflecting in its reports such groundless allegations that the Israeli regime fabricates in order to distract the international community's attention from the atrocities it has committed against the peoples in the region.

As I mentioned in my previous letter, Iran has been, and will remain, resolute in its support for stability and security in Lebanon.

I would be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

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United Nations S/2007/663

Security Council

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12 November 2007
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Letter dated 12 November 2007 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council

I am pleased to transmit herewith the assessments of the President (see annex I) and of the Prosecutor (see annex II) of the International Tribunal for the Former Yugoslavia, pursuant to paragraph 6 of Security Council resolution 1534 (2004).

I should be grateful if you would transmit these assessments to the members of the Security Council.

(*Signed*) Fausto **Pocar**
President

07-59441 (E) 301107

Annex I

Assessment and report of Judge Fausto Pocar, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Council Resolution 1534 (2004)

1. This report is submitted pursuant to Security Council resolution 1534 (2004) adopted on 26 March 2004 in which the Council, in paragraph 6 of the resolution, requested the International Tribunal for the Former Yugoslavia ("International Tribunal") "to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the Completion Strategy of the Tribunal, explaining what measures have been taken to implement the Completion Strategy and what measures remain to be taken, including the transfer of cases involving intermediate and lower rank accused to competent national jurisdictions".[1]

I. Introduction

2. Out of the 161 accused indicted by the International Tribunal, only 11 accused remain in the pre-trial stage awaiting the commencement of their trials and a further four accused are still at large. A total of 27 accused are presently in the course of trial (a record number) and another eight have appeals pending. All other cases have been completed. It is presently estimated that, with the exception of two recently arrived accused, all trials will be completed by the end of 2009. The Trials of the two recent arrivals are estimated to finish early in 2010. All appeals are presently estimated to be concluded during 2011. That estimate is subject to a number of factors that can impinge on the expeditious completion of trials and appeals such as illness of the accused, or Counsel, failure of witnesses to appear and other unforeseen circumstances.

3. The three Trial Chambers of the International Tribunal continued throughout the reporting period to operate at record capacity hearing seven trials, simultaneously with two separate sittings in each of the International Tribunal's three courtrooms from early morning into the evening. The seventh trial takes advantage of the inevitable gaps in the scheduling of the six other cases due to a number of factors that cause unforeseen delays in trials, including those identified above. To expedite the hearing of trials, two of the Chambers hearing cases against multi-accused held additional hearings during the three weeks summer recess period taking advantage of the extended availability of the International Tribunals' three courtrooms at that time. Additionally, taking advantage of

[1] The present report should be read in conjunction with the previous seven reports submitted pursuant to Security Council resolution 1534(2004): S/2004/420 of 24 May 2004; S/2004/897 of 23 November 2004; S/2005/343 of 25 May 2005; S/2005/781 of 14 December 2005; S/2006/353 of 31 May 2006; S/2006/898 of 16 November 2006 and S/2007/283 of 16 May 2007.

the fact that one of the trials entered into the judgement drafting phase, the International Tribunal was able to start an eighth trial.

4. The following eight cases are simultaneously in trial phase: *Prlić, Stojić, Praljak, Petković, Ćorić and Pušić; Milutinović, Sainović, Ojdanić, Pavković, Lazarević and Lukić; Popović, Beara, Nikolić, Borovčanin, Miletić, Gvero and Pandurević; D. Milosević; Haradinaj, Brahimaj and Balaj; Boškoski and Tarčulovski; Delić;* and *Šešelj*. In addition, judgements were issued in the *Martić* case on 12 June 2007 and in the *Mrksić, Radić and Šljivančanin* case on 27 September 2007.

5. There was no contempt case heard in the reporting period.

6. During this period, Trial Chamber Judges also managed nine cases in the pre-trial stage, leading to the issuance of 181 written decisions and 35 oral decisions on such matters as the form of the indictment, challenges to jurisdiction, disclosure of evidence, protective measures for victims and witnesses, provisional release, adjudicated facts and the admissibility of witness statements under Rule 92*bis* of the Rules.

7. The Appeals Chamber continued to increase its productivity in relation to both the International Tribunal and the International Tribunal for Rwanda ("ICTR"). It rendered 103 written decisions, including thirteen interlocutory appeal decisions; two referral decisions; 81 pre-appeal decisions; and seven other decisions since the last report.[2] It rendered Judgment in four appeals leaving a total of only 10 appeals currently pending.[3] The Appeals Chamber anticipates rendering judgment in two of these appeals this month.

8. Currently, only eleven accused in seven cases remain awaiting the commencement of their trial before the International Tribunal. This is despite the addition of four accused in three new cases. Two of these new cases result from the arrests of the fugitives Tolimir and Đorđević. Both these fugitives had been indicted in multi-accused cases, which commenced over twelve months ago. Had these fugitives been arrested at an earlier time, they could have been tried together with their co-accused. Unfortunately, their late arrest means that their fair trial rights can only be accommodated in separate trials. Of the accused awaiting trial, six have been provisionally released until their trials can commence (Ivan Čermak, Mladen Markač, Franko Simatović, Jovica Stanišić, Momčilo Perišić and Mićo Stanišić).[4]

9. As mentioned in the last two reports to the Council, the International Tribunal continues to seek additional avenues for the transfer of convicted persons from the United Nations Detention Unit ("UNDU") to States for the enforcement of their sentence.

[2] *See* Enclosures VI, VIII.

[3] *See* Enclosure VII.

[4] *See* Enclosure IV.

Although there were no new transfers over the reporting period, an agreement on enforcement of sentences was signed with Ukraine on 7 August 2007. Ukraine is the twelfth State to enter into an enforcement of sentences agreement with the International Tribunal.

II. Measures Taken to Implement the Completion Strategy

A. Trial and Appeal Proceedings

10. The last six reports to the Security Council identified concrete measures adopted by the International Tribunal to ensure the timely implementation of the Completion Strategy. Most of the measures adopted under my Presidency resulted from an in-depth analysis of trial and appeal practices carried out by the Working Groups on Speeding up Appeals and Trials. The recommendations of these Working Groups for improving the efficiency of proceedings have been fully embraced by the Judges, and have had a marked impact upon the expedition of proceedings at the International Tribunal. To illustrate fully the impact of concrete measures adopted, a synopsis of their application to trials and appeals currently pending completion before the International Tribunal are detailed below.

11. In the case of *D. Milošević*, the accused is charged with seven counts of crimes against humanity and violations of the laws or customs of war allegedly committed in 1994-1995. The trial commenced on 10 January 2007. Closing arguments were heard on 8 and 9 October 2007. It is estimated that the judgement will be rendered by the end of December 2007. The original estimate for the completion of the trial in November 2007 should be respected. Prior to the commencement of trial, the Trial Chamber issued a decision reducing the Indictment by one-third. During the case, 58 witnesses testified pursuant to Rules 92 *bis* and 92 *ter*. During the Prosecution case, the Trial Chamber took judicial notice of 21 documents pursuant to Rule 94 (B). In addition, the Prosecution and the Defence applied for the admission of 130 adjudicated facts from the *Galić* case by way of judicial notice; these requests were granted.

12. In the multi-accused case of *Prlić et al.*, the six accused are charged with 26 counts of war crimes and crimes against humanity related to approximately 70 crimes sites allegedly committed by Bosnian Croats against Bosnian Muslims in Bosnia and Herzegovina in the period of 18 November 1991 to about April 1994. The trial opened on 26 April 2006, with an estimated trial time not exceeding three years. The Chamber held a hearing during the summer recess. On 27 September 2007, the Trial Chamber issued a scheduling order which calls for the Prosecution to complete the presentation of its evidence by 13 December 2007. Oral arguments under Rule 98 *bis* are to be presented between 7 and 16 January 2008.

13. In the multi-accused case of *Milutinović et al.*, the six accused are charged with five counts of war crimes and crimes against humanity allegedly committed by Serbian

forces in 15 municipalities of Kosovo in the period of 1 January to 20 June 1999. The Prosecution case closed within the prescribed time on 1 May 2007. The Trial Chamber restricted the time allowed for the presentation of the Defence case pursuant to Rule 73 *ter*, as it had previously done under Rule 73 *bis* with respect to the presentation of the Prosecution case. The Defence case started in August 2007 and the Trial Chamber held sessions during the summer recess between 6 and 17 August 2007. The Defence case is expected to close in March 2008.

14. In the case of *Šešelj*, the accused is charged with fourteen counts of crimes against humanity and violations of the laws or customs of war allegedly committed in the territory of Croatia, in large parts of Bosnia and Herzegovina and in Vojvodina (Serbia), from August 1991 until September 1993. The case was returned to pre-trial following an Appeals Chamber decision to allow the Accused to represent himself. The Pre-Trial Conference was held on 6 November 2007, and opening statements were made on 7 and 8 November 2007. The first Prosecution witness will be called on 11 December 2007.

15. In the multi-accused case of *Popović et al.*, the seven accused are charged with eight counts of crimes of genocide and crimes against humanity allegedly committed at 20 different crime sites. The original estimate for the trial was 29 months. To date, 128 Prosecution witnesses have given oral testimony. On 3 October 2007 the Trial Chamber issued a Decision which had the effect of reducing the number of Prosecution witnesses by 17. The Prosecution indicated on 6 November 2007 that 13 witnesses remain and that the Prosecution case will finish on 29 January 2008. The Trial Chamber has continued to monitor the use of time closely. Of the Prosecution witnesses who have given oral testimony, 12 have been Rule 92 *bis* witnesses and 36 have been Rule 92 *ter* witnesses. The average length of the direct examination of the Rule 92 *bis* and Rule 92 *ter* witnesses has so far been 45 minutes and 37 minutes respectively, whereas the average length of the direct examination of all Prosecution witnesses has been 1 hour 30 minutes.

16. In the case of *Haradinaj et al.*, the three accused are charged with 37 counts in relation to crimes allegedly committed by the three accused and fellow members of the Kosovo Liberation Army against ethnic Serbs, Albanians, and Roma in Kosovo in March-September 1998. The trial commenced on 5 March 2007 with an estimated trial length of twelve months. So far throughout the trial, approximately half of the witnesses testified pursuant to Rule 92 *ter* of the Rules of Procedure and Evidence.

17. In the case of *Boškoski and Tarčulovski*, the two accused are charged with three counts of violations of the laws or customs of war in relation to crimes allegedly committed between 12 and 15 August 2001 in Ljuboten and related locations in Macedonia. The trial commenced on 16 April 2007. The Prosecution case is expected to close in November 2007. During the trial, the Chamber considered on eight occasions the reduction of the Prosecution's witness list. It granted the Prosecution leave to remove from its witness list a total of 42 witnesses whose evidence was deemed repetitive.

18. In the trial of *Delić,* the accused is charged with four counts of violations of the laws or customs of war in relation to four crime sites. The trial commenced on 9 July 2007 with an estimated trial length of 12 months. The *Delić* Trial Chamber allowed a total number of 73 Prosecution witnesses and decided that the presentation of the Prosecution case should not exceed 250 hours. Upon invitation by the Chamber, the Prosecution and Defence have agreed on 159 facts.

19. During the reporting period, Pre Trial Judges have been working to ensure the expeditious conduct of those cases awaiting trial.

20. Pre-trial phases were completed in three cases. In the *Simatović and Stanišić* case, the pre-trial phase was completed on 17 September 2007, in accordance with the work plan, but the opening of trial had not been scheduled yet. In the *Perišić* case, the Trial Chamber invited the Prosecution to cut down its case by one third, resulting in the dropping of 22 witnesses and a reduction of the estimated duration of the Prosecution case by 169 hours. In accordance with the work plan, the case is now ready for trial, but no schedule has been adopted with respect to the opening of trial. The pre-trial phase was also completed in the *Šešelj* case, thanks to frequent status conferences held to speed up trial preparations.

21. The pre-trial phase in the *Mićo Stanišić* case is also drawing to a close. The Prosecution and Defence Pre-trial Briefs were filed early this year and, were it not for some outstanding motions, the pre-trial phase has been completed.

22. In the *Gotovina et al.* case, after a reduction of the Indictment by one-third ordered by the Trial Chamber pursuant to Rule 73 *bis* (D) of the Rules during the last reporting period, replacement of counsel on two defence teams has temporarily delayed ongoing negotiations on agreed facts among the parties. However, with the appointment of new counsel on these defence teams the agreed facts discussions have now resumed. In the *Lukić and Lukić* case, after the reversal of 11*bis* referral of Milan Lukić by the Appeals Chamber and the consequent revocation of the referral of his co-Accused, Sredoje Lukić, by the Referral Bench, a first status conference was held on 4 September 2007, which led to the adoption of a work plan. In the *Tolimir* case, the Trial Chamber issued a Decision denying a Prosecution Motion for joinder with the case of *Popović et al.* In the *Đorđević* case, pre-trial proceedings started on 16 July 2007, after the further initial appearance of the Accused.

23. With the arrival of four new accused in three cases, the work of the Trial Scheduling Working Group has remained crucial. The Trial Scheduling Working Group has continued the difficult task of monitoring the progress of cases and assessing the trial readiness and expected duration of awaiting trials. The ongoing receipt of information from Judges with respect to the progress of trial and pre-trial proceedings has enabled the Trial Scheduling Working Group to produce a reasonably accurate forecast of the anticipated completion of all trials. The International Tribunal had been able to plan to

finish all trials during 2009. However, the effect of these three additional trials is that two of them cannot be completed until early 2010. As is to be anticipated, the later the arrests of remaining fugitives are carried out, the longer it will take to complete the mandate of the International Tribunal. Furthermore, while this is the current prediction, it is subject to the usual caveats that can cause delays in trials such as those identified above. Slippages in projected dates due to new arrivals are not a cause of concern with respect to the overall efficiency of the work of the International Tribunal, which remains unparalleled.

24. As has been previously reported to the Council, the Appeals Chamber has also adopted concrete measures to expedite appeals following the report of the Working Group on Speeding up Appeals. These measures have resulted, *inter alia,* in shortening the time limits for the filing of appeals, in avoiding repetitious filings, and in expediting the disposal of appeals by expanding the use of written as opposed to oral submissions. Additionally, the expanded role of the pre-appeal Judge in disposing of routine motions and expediting pre-appeal proceedings has ensured the readiness of appeals from Judgement for hearing at the earliest opportunity. The impact of these measures has resulted in an unprecedented number of appeals disposed of in the last year.

25. The Rules Committee has continued to explore Rule Amendments aimed at further streamlining trial and appeal procedures. At the last ordinary plenary session of 12 July 2007, amendments were adopted to provide for greater use of testimony by video-link conference (Rule 81*bis*) and amendments were made to Rule 62 to specify timelines for the filing of pre-trial motions for accused who declined the assistance of Counsel. Additionally, Rule 75 was amended to allow direct petitioning by other judicial authorities for access to protected material. This last amendment is particularly aimed at improving judicial cooperation between the International Tribunal and domestic courts in the region of the former Yugoslavia.

26. In the first Completion Strategy Report submitted to the Security Council in May of 2004, the Security Council was advised that a total of eight accused were being tried in six cases and that in the nine years following its establishment, the International Tribunal had completed or was holding first instance proceedings involving 59 accused in 38 proceedings.[5] There were a total of 33 accused awaiting trial in 17 cases,[6] appeals had been completed in 20 cases involving 28 accused,[7] and 20 fugitives were at large. Today, only three and a half years later, only 11 accused are in the pre-trial stage,[8] 27 accused are currently on trial,[9] and trial proceedings against 111 accused have been completed. Appeals have been completed in 47 cases involving 68 accused and only four fugitives

[5] S/2004/420, para.2.

[6] S/2004/420, Annex 3.

[7] S/2004/420, Annex 4.

[8] *See* Enclosure IV.

[9] *See* Enclosure II.

remain at large.[10] These figures fully demonstrate, that the achievements of the International Tribunal far surpass any reasonable expectation.

B. *Ad litem* Judges

27. The International Tribunal continues to benefit greatly from the dedication of its *ad litem* Judges and as President of the International Tribunal, I have been greatly supported by their outstanding contribution to expediting our work. Currently, the International Tribunal has all twelve *ad litem* Judges fully engaged in the work of the Tribunal. Of these twelve, two are serving both as *ad litem* Judges on one trial and reserve *ad litem* Judges on an additional trial, while one *ad litem* Judge is serving on two trials. These Judges are required to attend two court sittings per day, from early morning into the evening. Due to the arrangement of the trial schedule to maximize sitting time in both cases, the breaks accorded to these *ad litem* Judges are at times few and of short duration.

28. During the reporting period, three *ad litem* Judges have begun hearing an additional trial while drafting Judgement in another case, thus serving on two cases full time. *Ad litem* Judges which have not been assigned to an additional trial are fully engaged in the preparation of new cases for trial. Accordingly, all twelve *ad litem* Judges have been willing to take on an onerous workload to ensure the expeditious completion of the International Tribunal's mandate and to secure the continued support of the Council and of Member States.

C. Judges and Staff Retention

29. I cannot emphasize enough how critical it is to the successful implementation of the Completion Strategy that the International Tribunal retain its highly qualified and experienced staff. The number of qualified staff leaving the Tribunal for more secure employment with other institutions has increased over the reporting period and while the Tribunal has managed to minimize delays in recruitment by using the roster system to secure incoming staff, departures do inevitably result in some delays, which are detrimental to the expeditious completion of the International Tribunal's mandate. The International Tribunal continues to apply in-house incentives to retain staff such as promotions and compensation time, but the growth of other international courts, including more permanent courts, makes that task increasingly difficult. In this respect, the International Tribunal needs the support of the Security Council and of Member States to offer sufficient incentives to guarantee as much as possible that its best staff will not leave until the work of the International Tribunal is completed.

30. Even more importantly, the efficiency of the International Tribunal's work is premised upon the experience and dedication of all its Judges. Many of the International

[10] *See* Enclosure III.

Tribunal's Judges are currently serving their second term, while a few are in their third term. The retention of these qualified and highly experienced Judges is critical to meeting the aims of the Completion Strategy. In this respect, it is crucial that the conditions of service of Judges are correctly implemented as far as pensions are concerned.

D. Referral of Cases Involving Intermediate and Lower-Ranking Accused to Competent National Jurisdictions

31. The referral of cases involving intermediate and lower-ranking accused to competent national jurisdictions pursuant to Rule 11*bis* has been central to the implementation of the International Tribunal's Completion Strategy. There was one additional motion for referral filed in the *Rasim Delić* case during the reporting period, which was denied by the Referral Bench.

32. The impact of referrals on the overall workload of the International Tribunal has been substantial. As indicated in previous reports, the Prosecutor has filed 14 referral motions involving 22 accused. During the reporting period, the Prosecution's request for referral of the case against Rasim Delić to Bosnia and Herzegovina was denied on 6 July 2007. Consequently, the trial of Rasim Delić started on 9 July 2007. On 11 July 2007, the Appeals Chamber also reversed the Referral Bench decision of 5 April 2007 to refer the case of Milan Lukić to Bosnia and Herzegovina and instructed the Trial Chamber to proceed with trial. Consequently, the Referral Bench revoked the referral of Milan Lukić's co-accused, Sredoje Lukić and a first status conference was held on 4 September 2007.

33. Of the motions filed since the adoption of the rule on referrals, the Referral Bench has granted nine motions involving 15 accused and none are currently pending. Of those granted, 10 accused appealed to the Appeals Chamber and all appeals have been disposed of. One appeal decision remanded a case involving two accused back to the Referral Bench (*Rašević and Todović*), which eventually upheld the referral, and another appeal of one accused, Milan Lukić, was granted by the Appeals Chamber. The other decisions upheld the referrals in the cases of *Stanković, Mejakić et al., Ljubičić, Janković and Kovačević and Trbić.* Currently, ten accused have been transferred to the Special War Crimes Chamber of Bosnia and Herzegovina, two accused have been transferred to the authorities of Croatia, and one accused has been transferred to Serbia for trial before the domestic courts of these countries.[11]

34. The Prosecution continues to monitor the trials referred to the region through the Organization of Security and Cooperation in Europe ("OSCE"). Under Rule 11*bis,* the Prosecution has the authority to request the Referral Bench to revoke its referral order should it determine that such a case is not being conducted in full adherence with human rights norms and due process standards. Of the cases referred by the International

[11] *See* Enclosure V.

Tribunal, the Special War Crimes Chamber of Bosnia and Herzegovina has completed two trials, three trials are ongoing and one case is at the pre-trial stage. On 28 March 2007 proceedings against the first accused referred, Stanković, came to a close with the Appellate Panel of the Court of Bosnia and Herzegovina sentencing him to 20 years' imprisonment. On 16 February 2007, the trial of Janković concluded with the Court finding him guilty of crimes against humanity and sentencing him to 34 years' imprisonment. The International Tribunal is satisfied that the trials of both of these accused respected international norms of due process as recognised by the reports of the OSCE and human rights organizations. The trial in the single case referred by the International Tribunal to Croatia, that of *Ademi and Norac*, started on 18 June 2007.

E. Outreach and Capacity-Building

35. In order for the International Tribunal to succeed in its mission of contributing to peace in the territories of former Yugoslavia, it is essential for its work to be accessible and intelligible to the various communities there. The Tribunal's Outreach Programme is specifically geared to promote a better understanding of the International Tribunal's work to audiences throughout the area under its jurisdiction. It has also been at the forefront of establishing partnerships with national organizations in the former Yugoslavia in order for them to improve their capacity to hold fair trials.

36. Through its Outreach Programme and field offices in Belgrade, Sarajevo, Prishtine/Pristina and Zagreb, the International Tribunal also continued to disseminate its cases and findings to audiences in the former Yugoslavia. Its representatives continued to handle a high volume of requests from the media, frequently appearing on electronic media, as well as handling enquiries from the printed press. The International Tribunal also ensured that it was actively involved in a multitude of grass-roots meetings and events. It continued to work closely with victims' associations, civil society organizations promoting the rule of law, as well as bodies involved in truth-telling and reconciliation efforts.

37. The International Tribunal has long recognized the importance of its contribution to supporting the rule of law in the States of the former Yugoslavia. The Judges of the International Tribunal have made time within their busy schedules to share their expertise and experiences with members of the local judiciaries. For instance, in October 2007, a judge addressed participants at the annual judicial college in Bosnia and Herzegovina on the issues of trial efficiency, case management and witness protection.

38. As part of its established programme of support to developing national judicial capacity, the International Tribunal continued to participate in a wide-ranging series of training and familiarization events for Judges, prosecutors and other legal professionals in the Former Yugoslav Republic of Macedonia. In October-November 2007, the International Tribunal hosted the third group representatives of the Macedonian judiciary as part of a programme on the International Tribunal's operating practices. As part of the

same initiative the Tribunal's Outreach offices arranged for International Tribunal investigators in July 2007 to take part in a two-day workshop for organized crime and corruption investigative judges and prosecutors, while Chambers' personnel travelled to Skopje in September 2007 to provide training in drafting judicial decisions and judgements, as well as researching international humanitarian law and ICTY jurisprudence. In Bosnia and Herzegovina, the International Tribunal continued to participate in a number of training and know-how transferral events such as a defence training seminar held in Sarajevo in July 2007. Additionally, key judicial and legal officials from across the region continued to visit the International Tribunal in The Hague for consultations and familiarization. Furthermore, the International Tribunal was especially pleased to initiate a new training and know-how transfer exercise which began in July 2006, with a group of eight law students from Serbia integrated as interns. The group, supported by the Belgrade-based non-governmental organization, Youth Initiative, will spend up to six months at the International Tribunal before starting a second internship within the specialized war crimes section of the Belgrade District Court.

39. It is imperative that domestic jurisdictions are given the support they need from the Security Council and the international community to develop their judicial capacity so as to ensure that all referred cases are conducted in full compliance with the standards of due process. This is critical to the success of the International Tribunal's Completion Strategy. The International Tribunal is aware that some Member States have taken initiatives to provide resources and training to strengthen the rule of law in the States of the former Yugoslavia, but it is clear that much remains to be achieved if these courts are to successfully continue the work of the International Tribunal in the future. For example, there still remains much work to be done to facilitate cooperation between States of the region in the investigation and prosecution of alleged war criminals. There is also a desperate need to ensure adequate detention facilities for remand and convicted accused and that the rights of remand and convicted accused are respected by those responsible for their detention. In that respect, there is still much to be achieved in the training of police and prison officers on due process and human rights standards, which must be respected if trials and detentions of accused and convicted persons are to satisfy internationally accepted standards. One should not forget that it was never intended nor was it considered possible for the International Tribunal to try all persons responsible for the atrocities committed during the conflict in the region. The international community must not underestimate the importance of the courts in the States of the former Yugoslavia having the capacity to carry on the legacy of this International Tribunal long after it has completed its mission.

F. Cooperation of States with the International Tribunal

40. Yet again I must regrettably report to the Security Council the International Tribunal's deep concern with the failure of States to secure the arrest and transfer of the four high level remaining fugitives Karadžić, Mladić, Župljanin, and Hadžić. As its Presidents have consistently reported to the Security Council, the International Tribunal

must not close its doors until these fugitives are arrested and tried. The International Tribunal must fully discharge its mandate so that the message and legacy of the International Tribunal, that the international community will not tolerate serious violations of international humanitarian law, is not thwarted.

41. The success of the International Tribunal depends on the willingness of States to co-operate in full adherence with their obligation to do so under Article 29 of the Statute of the International Tribunal. The necessity of full cooperation from States in the arrest of all remaining fugitives has now reached a critical stage. Without the arrest and trial of these remaining fugitives, the International Tribunal's key objective to bring justice, peace and reconciliation to the region of the former Yugoslavia will be seriously undermined.

42. I urge the Security Council to take concrete action and ensure that these fugitives are not allowed to avoid international justice. The Security Council must make clear that the trial of these fugitives by the international community does not hinge upon the International Tribunal's proposed Completion Strategy dates. Additionally, I continue my call to all States to do all within their power to ensure the arrest of these fugitives immediately.

III. Legacy of the International Tribunal

43. For over two years now, the International Tribunal has focused attention on its legacy and most crucially on mechanisms that will have to remain in place to dispose of residual issues once the International Tribunal completes all trials and appeals on its docket. In April 2007, the International Tribunal, in collaboration with the International Criminal Tribunal for Rwanda, submitted a second report on legacy issues to the Office of the Legal Advisor in New York for Member State consideration, which followed an earlier report submitted in December 2006. This second report resulted in a meeting of the Presidents, Registrars and Prosecutors from both Tribunals with the Security Council Working Group on the *ad hoc* Tribunals in June 2007. At that meeting, the Legacy Report of the Tribunals was debated. Following that meeting, the Tribunals, taking on board the comments of Member States, submitted a final report to the Office of the Legal Advisor in September 2007.

IV. Updated Prognosis Regarding Implementation of the Completion Strategy

44. The International Tribunal's commitment to make all efforts to meet Completion Strategy deadlines is demonstrated by this report. However, there have been factors outside the control of the International Tribunal which have resulted in a slippage in previously estimated completion dates. Of prime concern is the failure of States to ensure the arrest of outstanding fugitives. Late arrests, such as those that recently occurred with the fugitives Tolimir and Đorđević, while better than a failure to arrest, do impact upon Completion Strategy targets. The same can be expected with respect to the four remaining

fugitives. If those fugitives are arrested now some, but not all, may be suitable for joinder with pending trials, however, any delays will inevitably result in their having to be tried separately and this will cause additional slippage in Completion Strategy dates. That said, due to the dedication and commitment of the Judges and staff of the International Tribunal, the International Tribunal has succeeded in arriving at a clear estimation for the completion of all of its pending trials in early 2010, as shown by the chart of scheduled trials attached in Enclosure IX. Furthermore, the International Tribunal estimates that all appeals should be concluded within 2011. These dates are projections only and with the sustained dedication of the Judges and the staff, we will continue to seek new measures to increase the efficiency of the International Tribunal's work, in full compliance with due process and fair trial rights of the accused. However, this presupposes that the International Tribunal will be able to retain its highly qualified and experienced Judges and staff. In this respect, I must again flag for the Council the utmost importance of ensuring that the conditions and service of Judges of the International Tribunal are respected and that the Council shows support for schemes aimed at the retention of necessary staff members.

V. Conclusion

45. This report to the Security Council demonstrates the International Tribunal's steadfast commitment to achieving greater efficiency in its work without sacrificing due process. It also amply demonstrates that the International Tribunal has been most efficient and productive. However, it also bears remembering that the success of the International Tribunal cannot be measured only by the Judgements it has issued or the number of trials and appeals it has completed. Rather, the crux of the International Tribunal's success is the invaluable precedent it has set for the enforcement of international humanitarian law and the contribution it has made to the establishment of peace and stability in the former Yugoslavia.

Annex II

Assessment and report of Carla Del Ponte, Prosecutor of the International Criminal Tribunal for the former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council Resolution 1534 (2004)

1. This report is submitted pursuant to Security Council resolution 1534 (2004) adopted on 26 March 2004 and follows up on the Prosecutor's written assessment of 15 May 2007.

I. Introduction

2. During the past six months, progress was made in meeting the goals of the Completion Strategy. However, the fact that four accused remain at large, including the most notorious, Ratko Mladić and Radovan Karadžić, remains a crucial challenge to the Tribunal and the international community.

3. The Office of the Prosecutor focused on four priorities, which are set out in this report: (1) the completion of trials and appeals; (2) the transfer of cases under Rule 11*bis* of the Rules Procedure and Evidence as well as investigation files to national authorities and activities to enhance the capacity of national jurisdictions; (4) international cooperation and efforts to apprehend the remaining fugitives; (5) forward planning as set out in the 2008-09 budget proposal and the Tribunal's legacy proposal.

II. Trial and Appeal proceedings

4. The work of the Office of the Prosecutor continues apace and in many areas has increased to meet the accelerated trial and appeals calendar. As reported in the President's assessment in Annex I, the Tribunal's trial activity has increased. With the commencement of the *Delić* trial in July 2007 and the *Šešelj* trial in November 2007, the number of cases on trial has increased from six to seven, proceeding simultaneously in the Tribunal's three courtrooms. This is in addition to an eighth case, against *Dragomir Milošević*, which is awaiting final judgement. Since the Prosecutor's last report, the prosecution evidence is on the verge of completion in the *Haradinaj*, in the *Boškoski* and in the *Prlić* cases, involving an additional 11 accused. Significantly, in *Milutinović et al.*, the first of the multi-leadership cases, the so-called "mega trials" each involving six or more high-ranking accused, several of the accused have also completed the presentation of their defence cases within or ahead of the original time estimates. That case is on schedule to complete proceedings by March 2008. Thus far, it would appear, assuming the *Milutinović* trial is a reliable guide, earlier fears that these large cases would become unmanageable have not materialised and have in fact proven to increase substantially the Tribunal's efficiency. The other two multi-leadership cases continue with steady progress, including the *Prlić et al* trial, in which, as noted, the prosecution's case will be completed before the end of 2007.

5. The workload of the Prosecution has also increased with the arrests and transfers of two fugitives, Vlastimir Đorđević and Zdravko Tolimir, and the rejection of a Rule 11*bis* transfer motion in the case against *Milan Lukić* and *Sredoje Lukić*. Because a substantial portion of the evidence in both cases is the same, to minimize the amount of duplication necessary, the Prosecutor filed a motion to join the *Tolimir* case to the *Popović et al* case. The Trial Chamber, on account of the advanced stage of the existing trial, denied the joinder and ordered that both trials be conducted separately. In relation to the *Đorđević* case, the fact that the Prosecution had already concluded its case against *Milutinović et al.* made such an avenue impossible from the outset. Nevertheless economies can be realised in the *Đorđević* and *Tolimir* cases, where the Prosecution will endeavour where possible to utilize adjudicated facts from the previous cases. In this way, the Prosecution hopes to reduce the need to prove certain matters again, saving valuable court time. The ever increasing amount of evidence presented before the Tribunal and adjudicated upon, makes the use of this important tool more valuable and efficient with the completion of each trial.

6. These two new trials are in addition to the case against *Milan Lukić* and *Sredoje Lukić*, which the Office of the Prosecutor sought to transfer to Bosnia and Herzegovina pursuant to Rule 11*bis*. The Appeals Chamber's reversal of the Referral Bench's decision to transfer this case indicates that the Prosecution has now exhausted further transfers pursuant to Rule 11*bis*. The addition of three trials will have an obvious impact on the work of the Prosecution, effectively adding one calendar year to the trial schedule. Nonetheless, the Prosecution continues to do everything it can to undertake this extra workload in the most efficient manner possible.

7. The Office of the Prosecutor's efforts to increase the efficiency of ongoing trials has continued throughout the reporting period, particularly by ever greater reliance on the use of evidence in written form wherever possible. This is especially so in the case of evidence relating to the actual commission of crimes to which the accused is allegedly linked. Typically, this involves tendering a witness's evidence by way of a written statement to avoid the need for the personal appearance of the witness, or if appearance is required, at the very least to limit the amount of time a witness has to spend giving oral evidence. However, with certain witnesses the Prosecution may still be required to take their evidence live in court. The time savings in court brought about by the use of written evidence are only achieved with considerable time-consuming work carried out behind the scenes by the Prosecution. There is a limit to the capacity of the Office of the Prosecutor to do much more in securing these time savings.

8. Additionally, all parties remain bound by the strict time limits imposed by the Trial Chambers as to the length of time permitted for the preparation and presentation of their respective cases. The Office of the Prosecutor continues to meet all deadlines imposed on it despite being stretched with respect to its pre-trial resources. All cases have been brought to trial on time. The Prosecution has exercised rigid discipline in adhering

to the time limits imposed for the conducting of its cases through restricting the number of witnesses called and the length of time taken for each witness. However, trials become more difficult to manage and predict with accused that represent themselves, such as Vojislav Seselj and Zdravko Tolimir. Translation issues, for instance, become even more acute in these circumstances.

9. The Appeals Unit within the Office of the Prosecutor has experienced an increase in its workload over the reporting period. Preparations are currently under way for appeals in the cases of *Hadžihashanović* and *Kubura*, *Orić*, *Strugar*, *Krajišnik*, *Martić* and *Mrkšić* and *Šljivančanin*. For the first three of these cases the extensive written preparations have been completed and only the oral hearings remain. Moreover, all submissions for the other cases have been scheduled for completion within the time limits imposed by the Appeals Chamber.

III. Cooperation with national jurisdictions and the transfer of cases and investigation files to the competent national jurisdictions

10. The transfer of cases and investigation files to national jurisdictions is a key component of the Tribunal's Completion Strategy. As outlined in the President's report, the Prosecutor has, in total, filed 14 referral motions involving 22 accused, pursuant to Rule 11*bis*. During the reporting period, two motions for referral were denied, namely in the *Milan Lukić and Sredoje Lukić* case and the *Rasim Delić* case. Out of a total of 14 motions, eight motions have been granted, involving 13 accused. Milorad Trbić was the tenth accused that was transferred to the Special War Crimes Chamber of Bosnia and Herzegovina. Two accused have been transferred to the authorities of Croatia and one accused has been transferred to Serbia. There remain no pending applications under Rule 11*bis* before the Referral Bench and the requirements under the Rule do not make it possible to consider any additional case for transfer.

11. Under Rule 11*bis*, the Prosecutor is obligated to monitor all transferred cases and report on a regular basis to the Referral Bench. In order to meet this obligation, the Prosecutor concluded an agreement with the Organization for Security and Cooperation in Europe (OSCE) in 2005, pursuant to which the OSCE reports on developments in transferred cases through its missions in Bosnia and Herzegovina, Croatia and Serbia. OSCE monitoring was a prerequisite of each and every referral decision and is therefore an integral component of the Tribunal's referral process. At this juncture, viable monitoring alternatives are non-existent.

12. Taking into consideration the OSCE's critical role, the Prosecutor has expressed concern to the political leadership of the OSCE about the possible ending or reduction of OSCE's monitoring capabilities in Croatia at the end of 2007. Ending or substantially reducing monitoring activities would negatively affect the Prosecutor's ability to meet her obligation to the Tribunal's Referral Bench in the *Ademi and Norac* case and could affect other capacity building activities as well. The Prosecutor and the Croatian Government

have agreed that the OSCE's monitoring capabilities should continue with a number of national and international staff members based in Croatia. In this regard, the Prosecutor strongly urges UN Member States, that are participating States in the OSCE, to maintain both an international and national staff presence in Croatia, which is sufficient to address the extensive remaining tasks in relation to ICTY transfers. The Prosecutor also encourages OSCE monitoring of domestically initiated war crimes proceedings.

13. The Special War Crimes Chamber of the State Court of Bosnia and Herzegovina - a hybrid court with national and international staff - has made good progress in trying cases that have been referred pursuant to Rule 11*bis* as well as war crimes cases initiated by national prosecutors. The trial of Radovan Stanković has been completed. Gojko Janković has been convicted in first instance. All other referred cases are currently underway. These positive developments are marred by Radovan Stanković's escape from custody on 25 May 2007. He was the first Rule 11*bis* accused who was transferred to the judicial authorities of Bosnia and Herzegovina on 17 April 2007. He was sentenced to 20 years of imprisonment and transferred to the Foča Detention Centre to serve his sentence. The fact that Radovan Stanković escaped and remains at large shows that the reform of the detention facilities must be a part of an overall reform of justice system in the countries of the former Yugoslavia.

14. The trial against *Rahim Ademi* and *Mirko Norac*, the sole case transferred to Croatia pursuant to Rule 11*bis*, started on 18 June 2007. This trial presents significant challenges, including the need for extensive inter-state judicial co-operation, particularly in relation to the testimony of witnesses. In Serbia, the case against *Vladimir Kovačević* will start on 5 December 2007.

15. The Office of the Prosecutor also continued to handover investigative materials to the national prosecutors. These are the "Category II" cases, in which the Tribunal issued no indictment. To date, eight such investigation files have been transferred, four to Bosnia and Herzegovina, two to Croatia and two to Serbia. The Office of the Prosecutor aims at transferring further investigation files to Bosnia and Herzegovina involving a total of 32 persons by the end of 2008. Certain materials from these dossiers have already been provided to authorities in Bosnia and Herzegovina. Based on materials provided a number of cases have gone to trial or are about to go to trial in Sarajevo, Zagreb and Belgrade.

16. The Office of the Prosecutor has prepared for the transfer back of four files of preliminary investigation work to the Former Yugoslav Republic of Macedonia, . In 2001, a Trial Chamber had ordered to defer jurisdiction of these files to the Tribunal. A Senior Government Envoy and the Public Prosecutor of the Former Yugoslav Republic of Macedonia informed the ICTY Prosecutor in September 2007 that, due to the initial Tribunal Chamber's deferral order, they were unable to receive the files and proceed with the cases unless the transfer is approved by an Order of the Tribunal's Chambers. The Prosecutor therefore subsequently filed a Motion under Rule 73(A) seeking clarification

from the Chambers as to whether the transfer requires approval by a bench judges or whether transfer can be done directly to the Macedonian authorities. The matter has been referred to a specially constituted trial chamber and, at the time of writing, the motion is still pending. Training programmes are underway and the Office of the Prosecutor will continue to provide assistance to national prosecutors as it has done thus far.

17. Over the years, cooperation with national prosecutors has become a central component of Tribunal's Completion Strategy. The Office of the Prosecutor and in particular its Transition Team is continuing to work full-time on all cooperation matters. The Team prepares the transfer of investigation files and assists local authorities by responding to multiple requests for assistance and answering questions, not only in relation to the transferred files, but also in relation to other related cases handled by the Tribunal. The Office of the Prosecutor has granted access to its document databases, and specific formalised arrangements have been made with State prosecutors of Bosnia and Herzegovina, Serbia and Croatia to ensure access to the Office of the Prosecutor's evidence collection, including the Office's Electronic Disclosure Suite, which is an electronic database with the Prosecution's evidence collection. Most recently Memoranda of Understanding regarding access to the Electronic Disclosure Suite have been concluded with the Office of the Prosecutor of Montenegro as well as the Former Yugoslav Republic of Macedonia.

18. Throughout this reporting period, the Office of the Prosecutor, in association with Chambers and Registry, continued to be actively engaged in capacity building activities. In addition to almost daily contacts with national prosecutors, the Office of the Prosecutor participated in conferences, training seminars and other symposia, such as conferences organized by the Croatian State Attorney's Office. Training sessions were also conducted in Skopje and The Hague for judges and prosecutors from the Former Yugoslav Republic of Macedonia. Such events are important to regional cooperation and future war crimes prosecutions and will be continued.

19. The Office of the Prosecutor encourages efforts to strengthen cooperation between national prosecutors in the countries of former Yugoslavia, as initiated by the OSCE in the "Palic process" and continued by the Croatian State Attorney at the Brijuni conference which was held in July this year. The ICTY Prosecutor welcomes recent initiatives by the prosecutors of the region to enhance their cooperation. There has been noted progress as Serbia, Croatia and Montenegro have concluded agreements regulating the exchange of case related materials and evidence between prosecutors for further processing before their respective courts. Unfortunately, the relevant authorities of Bosnia and Herzegovina have not entered into such bilateral agreement. Another positive example is the commitment of these States to establish and share parallel "inventories" of war crimes cases based on an agreed criteria, assisted by the ICTY Office of the Prosecutor.

20. Nevertheless, despite this progress, there are still a number of obstacles which hamper effective inter-state judicial cooperation. Moreover, the failure to resolve the issue of non-extradition of nationals and the question of transferring proceedings between the States involved continues to be of concern. The ensuing judicial vacuum, whereby victims are denied justice, continues to lead to an "impunity gap" in the region, as alleged war criminals continue to evade justice. Although there has been progress in allowing case materials and evidence to be transferred between Serbia, Croatia and Montenegro, political will is needed to comprehensively address these issues. Legislation must be adapted so as to improve cooperation and allow for the extradition of nationals and the transfer of proceedings without limitation. The Office of the Prosecutor will continue to support ongoing efforts and initiatives to address these important issues.

IV. International cooperation and arrest of fugitives

21. To successfully fulfil its mandate, the Office of the Prosecutor relies on full cooperation of States, as required under Article 29 of the Statute of the Tribunal. During the reporting period, the Office of the Prosecutor continued to rely on the assistance of States in a number of areas. Cooperation from States from the former Yugoslavia remains crucial, in particular, for the provision of documents, to gain unimpeded access to Government archives and the arrest of the remaining fugitives.

22. During the reporting period, the Office of the Prosecutor pursued efforts to apprehend all remaining fugitives. At the time of writing this report, four indictees remain at large, namely Ratko Mladić, Radovan Karadžić, Stojan Župljanin and Goran Hadžić. As a result of the diminishing direct involvement of the international community in tracking or in assisting in locating fugitives and their networks over the past years, the Office of the Prosecutor, despite limited resources available, has gradually been working more closely with authorities in the region. However, support from the international community remains crucial.

23. The Office of the Prosecutor is convinced that the remaining accused are within reach of the authorities in Serbia and that Serbia has the means to take the necessary steps to locate fugitives which would lead to their arrest. The Serbian Government that was installed last May has adopted a more positive stance towards cooperation with the Tribunal and has pledged to take all necessary measures that would lead to the arrest of the remaining fugitives. This has led to improved relations with this Office, in particular, at the working level. Not long after that Government was formed, two fugitives were arrested, namely Zdravko Tolimir and Vlastimir Đorđević. The role of Serbian authorities was instrumental in these arrests. As a result of intensive cooperation between the authorities of Serbia and the Republika Srpska in Bosnia and Herzegovina, Zdravko Tolimir was arrested on 31 May 2007 and transferred to The Hague the next day. Serbian authorities also played a crucial role in the arrest of Vlastimir Đorđević who was apprehended in Montenegro and transferred to the The Hague on 17 June 2007.

24. Serbian authorities have made some progress in improving coordination between different services to track these fugitives. At the political level, leadership has improved, as the National Security Council, which was established last June, can direct security services and request reports, leading to better coordination between services involved in cooperation with the Tribunal. At the operational level, the Action Team, comprised of various services, meets on a regular basis and has become more effective recently. Although tracking efforts and coordination still need to improve significantly, the pace of work has notably increased and it is hoped that this will result in more effective and targeted operations. Since mid October, a senior representative of the Office of the Prosecutor attends the biweekly Action Team meetings and thus the Office of the Prosecutor has become more closely associated with the current efforts of Serbian authorities geared towards locating and arresting the remaining fugitives. Contacts at the operational level are now more frequent and have improved. This involvement demonstrates the Office of the Prosecutor's commitment to directly supporting ongoing initiatives and operations. However, these efforts, which are resource intensive, cannot continue indefinitely and will only be fruitful if those made by the Serbian authorities are intensified and more systematic.

25. There are also positive developments such as the reward promised by the Serbian Government to those who provide information leading to the arrest of ICTY fugitives and the adoption of a law expanding the role of the War Crimes Prosecutor to include jurisdiction over those who aid and abet war crimes fugitives. Although the effective implementation of these decisions and concrete results are still expected, these developments are encouraging signs of the Serbian authorities' commitment to cooperate on the arrest of the remaining fugitives.

26. During the Prosecutor's most recent visit to Belgrade, the President and Prime Minister of Serbia have indicated that it would be in Serbia's best interest to arrest Ratko Mladić. Although coordination between the intelligence services still needs to improve, it is hoped that given improved leadership combined with recent efforts made by the Serbian authorities will lead to arrests, particularly that of Ratko Mladić, who is in Serbia. It is important that the international community continue to insist on the immediate arrest of Ratko Mladić and the other fugitives.

27. The Office of the Prosecutor has also encouraged effective enhanced regional cooperation between security and intelligence services and has taken steps to trigger such cooperation. Regular meetings have been held in the region. Moreover, last October, a conference was organized in The Hague with the heads of intelligence services of Bosnia and Herzegovina, Serbia, Montenegro, the former Yugoslav Republic of the Former Yugoslav Republic of Macedonia and Slovenia to strengthen ties, improve the exchange information and address the problem of fugitives. This practice will be continued and more meetings are planned to take place in the future.

28. In the first months of the reporting period, there were long delays in Serbia responding to requests for documents and granting access to government archives has been an obstacle, in particular to the archives of the Security and Intelligence Service (BIA). However, following two trips of the Prosecutor to Serbia and meetings with senior officials, progress has recently been achieved in these areas. The National Council for Cooperation with the Tribunal and its President made a significant contribution to these efforts. Thus, a workable arrangement for access to these archives has been established. Moreover, a number of requested documents from the Military Archives have been provided since then and the Office of the Prosecutor has been given unimpeded access to the archives of military courts.

29. The Office of the Prosecutor continues to be actively engaged in seeking the support from States and international organizations to obtain the arrest of remaining fugitives and, in particular, Ratko Mladić and Radovan Karadzić. It is hoped that the international community and especially concerned States will provide the necessary support.

30. In the past months, the Prosecutor gave an update on Serbia's cooperation with the Tribunal to the Committee of Foreign Affairs of the European Parliament and the Parliamentary Assembly of the Council of Europe, which have both reiterated Serbia's obligation to fully cooperate with the Tribunal. The Prosecutor also briefed the General Affairs and External Relations Council of the European Union on 15 October 2007 and remains on a continuing basis in continuing contact with the European Commissioner of Enlargement.

31. The European Union's conditionality policy leverage has remained the sole effective mechanism compelling Serbia to meet its international obligations. The EU has set full cooperation with the ICTY as a condition in the pre-accession and accession process of Serbia to the EU. Full cooperation with the Tribunal should be understood as implying the location and subsequent arrest of the four fugitives and, in particular, Ratko Mladić. The Prosecutor therefore relies on the European Union and its Member States to continue to adopt a strict and principled approach by maintaining this conditionality *vis-à-vis* Serbia.

32. Croatia's level of cooperation with the Office of the Prosecutor is generally satisfactory. This assistance will be critical in the coming months of preparation and during the trial of *Ante Gotovina et al*, which is expected to start in 2008. However, there remain difficulties in that case in obtaining complete and relevant documentation from to the various Government archives.

33. Bosnia and Herzegovina's level of cooperation with the Office of the Prosecutor has progressed and is now generally satisfactory. There are clear indications of progress made at the State and entity levels to improve co-ordination in targeted actions against

the fugitives' support network. Cooperation with other States in the region remains crucial.

34. There are no significant problems in the cooperation provided by the Former Yugoslav Republic of Macedonia and Montenegro. Assistance of the former Yugoslav Republic of Macedonia will remain important during the *Boškoski and Tarčulovski* trial.

35. As previously reported, there are serious problems related to the protection of witnesses and witness intimidation in the *Ramush Haradinaj et al.* case. Many Prosecution witnesses - particularly those who live in Kosovo or have family members living there - have refused to testify out of fear. This is illustrated by the fact that witnesses have refused to testify, primarily due to fear or intimidation, and the Prosecution has had to seek coercive measures to obtain their testimony. The Office of the Prosecutor will therefore need to continue to rely heavily on UNMIK's assistance in ensuring the safety of its witnesses. While cooperation on the working level continues to be adequate, the Prosecution continues to be concerned with the close relationship that the senior leadership of UNMIK maintains with Ramush Haradinaj, which can only have a chilling impact on witnesses.

V. Planning for the future: The 2008-2009 Budget and the Tribunal's Legacy

36. The budget proposal for 2008-2009 reflects the need to finish almost all first-instance trials in the next biennium and speed up appeals work. The Office of the Prosecutor will be restructured to reflect progress in judicial work and to increase efficiency. Discussions have started and concrete steps have been taken concerning the legacy of the Tribunal.

The OTP Budget and internal restructuring

37. The resource requirements for the next biennium are in line with trial activity over the next two years. Until the end of 2008, the Office of the Prosecutor will continue to function at full capacity, stretching its limited resources to cope with the remaining work-load. The Office will be reorganized internally to improve efficiency and to support effectively trial and appeals work. Thus, the Investigations Division will merge with the Prosecution Division, and the Appeals Section will be strengthened to handle an increase in appellate work. The Office will continue to focus on transitional justice work, particularly the transfer of investigative materials and providing support to national prosecutors, in order to strengthen domestic jurisdictions. In 2009, the Office of the Prosecutor is proposing considerable reductions in staff and in non-post items such as travel and General Temporary Assistance.

Staff retention

Staff members of the Office of the Prosecutor have greatly contributed to the achievements of the Office and should therefore be commended for their continued commitment and dedication to the cause of internal justice. As the Tribunal is nearing the completion of its work, there is a fear that increasing numbers of talented staff will start leave the institution. The loss of institutional knowledge and the difficulty in hiring experienced staff to complete remaining trials will invariably result in delays in completing the Tribunal's work. Together with the President and the Registrar, the Prosecutor therefore supports initiatives to find ways to retain qualified and competent staff. In this context, the Office of the Prosecutor is grateful for the United Nations' Secretariat decision to allow extensions of contracts of staff members until October 2009, which has contributed to improve staff morale.

The Legacy of the Tribunal

38. The Prosecutor supported and contributed to the ICTY and ICTR proposals regarding the legacies for both institutions. The most recent comprehensive proposal reflects discussions that took place at a working group meeting of the UN Security Council in June this year. The proposal focuses on the structure and mechanisms to remain in place once the Tribunal completes all trials and appeals on its docket. It is fundamentally important that, for legal and practical reasons, prosecutorial options are preserved and that the institution continue to exist as a legal entity - albeit radically downsized - after 2010. The Tribunal's indictments, arrest warrants and rulings must continue to have effect to ensure that fugitives apprehended after 2010 will face international justice. It is equally important that the archives, which form part of the legacy, remain available, accessible and useful to all those interested, in particular national prosecutors and the victims, but also Governments, international organisations, non-governmental organisations, judicial institutions and academic researchers. The Prosecutor welcomes the decision of the Registrars of the ICTY and ICTR to appoint a working group, headed by former Prosecutor Goldstone, that will make recommendations on this issue early 2008.

VI. Conclusion

39. To meet the objectives set in Security Council resolutions 1503 and 1534, the Office of the Prosecutor remains committed to speeding up proceedings by working closely with the other organs of the Tribunal. The Office of the Prosecutor will continue to work hard towards finishing trials in the next two and a half years. This is also reflected in its budget proposal for 2008-2009 and in the proposals set out by the ICTR and ICTY on their legacies.

40. As the Tribunal approaches the completion of its work, cooperation with national prosecutors will become even more crucial. This cooperation is aimed at strengthening

their judicial capacities and contributing to the Tribunal's legacy. Moreover, such capacity building efforts to strengthen local judiciaries must be accompanied by measures to improve regional cooperation in criminal matters.

41. The Office of the Prosecutor will continue to need assistance from States of the former Yugoslavia and the international community in order to complete its work in a timely manner and arrest the remaining fugitives. It remains unacceptable that Ratko Mladić and Radovan Karadžić at this date remain at large. The international community, the Western Balkans States and Serbia should do their utmost to make sure that they are brought to justice and that they face trial in The Hague.

Enclosure I

1. Persons Convicted or Acquitted after Trial between 01 June 2007 – 07 November 2007				
Case	**Name**	**Former Title**	**Initial Appearance**	**Judgement**
1.	Milan Martić	President, "RSK"	21 May 2002	12-Jun-07 (Sentenced to 35 years)
2.	Fatmir Limaj	KLA Commander	5 March 2003	Appeals Judgement 27-Sep-07 (Acquittal Confirmed)
3.	Isak Musliu	KLA Commander	20 February 2003	Appeals Judgement 27-Sep-07 (Acquittal confirmed)
4.	Haradin Bala	Guard at the KLA prison camp	20 February 2003	Appeals Judgement 27-Sep-07 (TC Judgement confirmed)
5.	Mile Mrkšić	Colonel in the JNA	16 May 2002	Judgement 27-Sep-07 (Sentenced to 20 years)
6.	Miroslav Radić	Captain in the JNA	21 May 2003	Judgement 27-Sep-07 (Acquitted)
7.	Veselin Šljivančanin	Major in the JNA	3 July 2003	Judgement 27-Sep-07 (Sentenced to 5 years)
8.	Sefer Halilović	Deputy Commander and Chief of Supreme Command Staff of the ABiH	27 September 2001	Appeals Judgement 16-Oct-07 (Affirmed acquittal)
9.	Dragan Zelenović	Former Bosnian Serb Soldier and de facto Military Policeman	13 June 2006	Appeals Judgement 31-Oct-07 (Trial Chamber Judgement affirmed)

2. Persons Pleading Guilty between 01 June 2007 – 07 November 2007				
Case	**Name**	**Former Title**	**Initial Appearance**	**Judgement**
No Guilty Pleas				

3. Persons Convicted of Contempt between 01 June 2007 – 07 November 2007			
Case	**Name**	**Initial Appearance**	**Judgement**
No Convictions of Contempt			

Enclosure II

1. Trials in Progress (27 accused in 8 cases)				
Case	**Name**	**Former Title**	**Initial Appearance**	**Comments**
1.	Jadranko Prlić	President, "Herceg-Bosna"	6 April 2004	"Herceg-Bosna" Trial commenced 26 April 2006
	Bruno Stojić	Head Department of Defence, "Herceg-Bosna"		
	Slobodan Praljak	Assistant Minister Defence, "Herceg-Bosna"		
	Milivoj Petković	Commander, HVO		
	Valentin Ćorić	Chief of Military Police Administration, HVO		
	Berislav Pušić	Military Police Commanding Officer, HVO		
2.	Dragoljub Ojdanić	Chief of Staff, VJ	26-Apr-02	"Kosovo" Trial Commenced 10 July 2006
	Nikola Šainović	Deputy Prime Minister, FRY	3-May-02	
	Milan Milutinović	President Republic of Serbia	27-Jan-03	
	Vladimir Lazarević	Commander, Pristina Corps, VJ, Kosovo	7-Feb-05	
	Sreten Lukić	Head Staff, Serbian Ministry of Internal Affairs, VJ, Kosovo	6-Apr-05	
	Nebojša Pavković	General, Commander 3rd VJ Army, Kosovo	25-Apr-05	
3.	Ljubiša Beara	Colonel, Chief of Security, VRS	12-Oct-04	"Srebrenica" Trial Commenced 14 July 2006
	Drago Nikolić	Chief of Security, Drina Corps, VRS	23-Mar-05	
	Ljubomir Borovčanin	Deputy Commander, Ministry of Interior Special Police Brigade, RS	7-Apr-05	
	Vujadin Popović	Lt. Colonel, Assist. Commander, Drina Corps, VRS	18-Apr-05	
	Vinko Pandurević	Commander, Zvornik Brigade, VRS	31-Mar-05	
	Milan Gvero	Assistant Commander, VRS	2-Mar-05	
	Radivoje Miletić	Chief of Operations, Deputy Chief of Staff, VRS	2-Mar-05	
4.	Dragomir Milošević	Chief Commander, Romanija Corps, VRS	7-Dec-04	Trial Commenced 11 January 2007
5.	Ramush Haradinaj	Commander, KLA	14-Mar-05	Trial Commenced 5 March 2007
	Idriz Balaj	Commander, KLA	14-Mar-05	
	Lahi Brahimaj	Deputy Commander, KLA	14-Mar-05	

6.	Johan Tarčulovski	Personal Security Officer for President, FYROM	21-Mar-05	Trial Commenced 16 April 2007
	Ljube Boškoski	Minister of Interior, FYROM	1-Apr-05	
7.	Rasim Delić	Commander of the Main Staff of the Army of BiH	03-Mar-05	Trial Commenced 12 June 2007
8.	Vojislav Šešelj	President, SRS	26-Feb-03	Trial Commenced 7 November 2007
	Total Persons: 27			

Legend:

FRY:	*Federal Republic of Yugoslavia*
Herceg-Bosna:	*Croatian Republic of Herceg-Bosna*
HVO:	*Croatian Defence Council*
JNA:	*Yugoslav People's Army*
RS:	*Republika Srpska*
RSK:	*Republic of Serbian Krajina /Republika Srpska Kkrajina*
VRS:	*Bosnian Serb Army*
VJ:	*Armed Forces of the Federal Republic of Yugoslavia*
KLA:	*Kosovo Liberation Army*
FYROM:	*Former Yugoslav Republic of Macedonia*
SRS:	*Serbian Radical Party*

Enclosure III

1. Arrivals at the Tribunal between 01 June 2007 – 07 November 2007					
	Name	**Former Title**	**Place of crime**	**Arrival Date**	**Initial Appearance**
1.	Zdravko Tolimir	Assistant Commander for Intelligence and Security of the Bosnian Serb Army	Srebrenica and Zepa.	01-Jun-07	04-Jun-07
2.	Vlastimir Đorđević	Assistant Minister of the Serbian Ministry of Internal Affairs (MUP), Chief of the Public Security Department of the MUP	Kosovo	17-Jun-07	19-Jun-07

2. Remaining Fugitives (4 accused)				
	Name	**Former Title**	**Place of Crime**	**Date indictment**
1	Radovan Karadžić	President, RS	BiH	25 July 1995
2	Ratko Mladić	Commander, Main Staff, VRS	BiH	25 July 1995
3	Goran Hadžić	President, "SAO SBWS"	Croatia	28 May 2004
4	Stojan Župljanin	Head or Commander of the Serb Operated Regional Security Services Centre	Krajina, Croatia	6 October 2004
	Total Remaining Indictees: 4			

Legend:

RS: *Republika Srpska*
SAO SBWS: *Serbian Autonomous District, Slavonia Baranja and Western Srem*
VRS: *Bosnian Serb Army*
VJ: *Armed Forces of the Federal Republic of Yugoslavia*

Enclosure IV

Accused Awaiting Trial as of 07 November 2007 (11 accused, 7 cases)			
Case	**Name**	**Former Title**	**Initial Appearance**
1	Franko Simatović*	Commander, Special Operations Unit, State Security Services ("DB"), Republic of Serbia	2-Jun-03
	Jovica Stanišić*	Head, State Security Services ("DB"), Republic of Serbia	12-Jun-03
2	Ante Gotovina	Commander, Split Military District, HV	12-Dec-05
	Ivan Čermak*	Assistant Minister Defence, Commander of Military Police, Croatia	12-Mar-04
	Mladen Markač*	Special Police Commander, Croatia	
3	Momčilo Perišić*	Chief of General Staff, VJ	9-Mar-05
4	Mićo Stanišić*	Minister, Internal Affairs, RS	17-Mar-05
5	Zdravko Tolimir	Assistant Commander for Intelligence and Security of the Bosnian Serb Army	04-Jun-07
6	Vlastimir Đorđević	Assistant Minister of the Serbian Ministry of Internal Affairs (MUP), Chief of the Public Security Department of the MUP	19-Jun-07
7.	Sredoje Lukić	Member, Serb paramilitary unit, BiH	20-Sept-05
	Milan Lukić		24-Feb-06

* *Accused have been granted provisional release.*

Legend:

ABiH: *Army of Bosnia and Herzegovina*
HV: *Croatian Army*
RS: *Republika Srpska*
SRS: *Serbian Radical Party*
VJ: *Armed Forces of the Federal Republic of Yugoslavia*
BiH: *Bosnia and Herzegovina*

Enclosure V

1. 11*bis* motions pending (01 June 2007 – 7 November 2007)				
Case	**Name**	**Former Title**	**Motion filed**	**Status**
No 11bis motions pending to date*				

* Motion for Rasim Delić case to be referred to BiH denied (9-Jul-2007).

2. 11*bis* motions pending on appeal as of 07 November 2007				
Case	**Name**	**Former Title**	**Motion filed**	**Status**
No 11bis motions pending to date*				

**Milan Lukić Referral Decision revoked (20-Jul-2007).

3. 11*bis* cases referred between 01 June 2007 – 07 November 2007				
Case	**Name**	**Former Title**	**Decision filed**	**Status**
None				

** In total, 13 Accused in 9 cases have been referred to the region on Rule 11bis motions to date.*

Legend:

BiH: *Bosnia and Herzegovina*
JNA: *Yugoslav People's Army*
VRS: *Bosnian Serb Army*

Enclosure VI

APPEALS COMPLETED FROM 16 May 2007 [1]

(with date of Filing and Decision) Updated to 7 November

INTERLOCUTORY

ICTY		
1.	Trbić IT-05-88/1-Ar73.1 ***Confidential***	17/07/06-17/05/07
2.	Prlić *et al.* IT-04-74-Ar72.2	10/05/07-04/06/07
3.	Gotovina IT-06-90-Ar72.1	03/04/07-06/06/07
4.	D. Milošević IT-98-29/1-Ar73.1-Def.	10/05/07-26/06/07
5.	D. Milošević IT-98-29/1-Ar73.1- Pros.	10/05/07-26/06/07
6.	Gotovina IT-06-90-ar73.2	04/05/07-29/06/07
7.	Prlić et al. IT-04-74-Ar65.4 ***Confidential***	20/06/07-20/07/07
8.	Tarčulovski IT-04-82-ar65.4	20/07/07-27/07/07
9.	Prlić *et al.* IT-04-74-Ar73.5 ***Confidential***	04/07/07-24/08/07
ICTR		
1.	Karemera et al ICTR-98-44-Ar73.9	11/04/07-01/06/07
2.	Bizimungu ICTR-99-50-Ar93b – ***Confidential***	30/05/07-17/07/07
3.	Kanyabashi.ICTR-98-42-Ar73	09/05/07-21/08/07
4.	Karemera *et al.* ICTR-98-44-Ar73.10	16/07/07-05/10/07

FROM JUDGEMENT

ICTY		
1.	Limaj IT-03-66-A	30/12/05-27/09/07
2.	Halilović IT-01-48-A	16/12/05-16/10/07
3.	Zelenović IT-96-23/2-A	27/04/07-31/10/07
ICTR		
1.	Muhimana ICTR-95-1B-A	20/05/05-21/05/07

OTHER

ICTY		
1.	Blaškić IT-95-14-R	23/06/06 -29/05/07
2.	Strugar IT-01-42-Misc.1 ***Confidential***	26/03/07-07/06/07
3.	Blagojević et al IT-02-60-A – ***Confidential***	21/06/07-11/07/07
4.	Milošević IT-02-54-Ar108bis.3 ***Confidential***	25/04/07-11/09/07
ICTR		
1.	Niyitegeka - ICTR-96-14-R	29/06/07-11/07/07
2.	Karemera *et al.* ICTR-98-44-Ar11bis	06/07/07-21/08/07
3.	Rwamakuba ICTR-98-44C-A	08/02/07-13/09/07

REFERRAL

ICTY		
1.	Lukić IT-98-32/1-Ar11bis.1	19/04/07-11/07/07
ICTR		
1.	Karemera *et al.* (Nzirorera) ICTR-98-44-Ar11bis	29/05/07-03/07/07

REVIEW

CONTEMPT

[1] **Total number of Appeals Completed from 16 May 2007 = 26**

Interlocutory Appeals = 13 Contempt = 0 Referral = 2

Appeals from Judgement = 4 Review = 0 Other = 7

Enclosure VII

APPEALS pending as of 10 NOVEMBER 2007 [2] (with date of filing as of 7 November 2007)			
INTERLOCUTORY		**FROM JUDGEMENT**	
ICTY		**ICTY**	
1. Prlić *et al.* IT-04-74-Ar73.6	15/10/07	1. Hadžihasanović/Kubura IT-01-47-A	13/04/06
2. Popović *et al.* IT-05-88-Ar73.1	01/11/07	2. Orić IT-03-68-A	31/07/06
3. Popović *et al.* IT-05-88-Ar.73.2	06/11/07	3. Krajišnik IT-00-39-A	25/10/06
		4. Strugar IT-01-42-A	07/06/07
		5. Martić IT-95-11-A	12/07/07
		6. Mrkšić IT-95-13/1-A	29/10/07
ICTR			
4. Karemera *et al.* ICTR-98-44-AR73.11	09/10/07		
5. Karemera *et al.* ICTR-98-44-AR73.12	15/10/07	**ICTR**	
		1. Nahimana *et al.* ICTR-99-52-A	12/12/03
		2. Simba ICTR-01-76-A	14/12/05
		3. Muvunyi ICTR-00-55A-A	12/10/06
		4. Seromba ICTR-01-66-A	11/01/07
		OTHER	
		ICTR	
		1. Rutaganda ICTR-96-3-R	07/08/07
		2. Niyitegeka ICTR-96-14-R	22/08/07
		REFERRAL	
		REVIEW	
		CONTEMPT	

[2] **Total number of Appeals pending = 15**

Interlocutory Appeals = 5 Contempt = 0 Referral = 0
Appeals from Judgement = 10 Review = 0 Other = 2

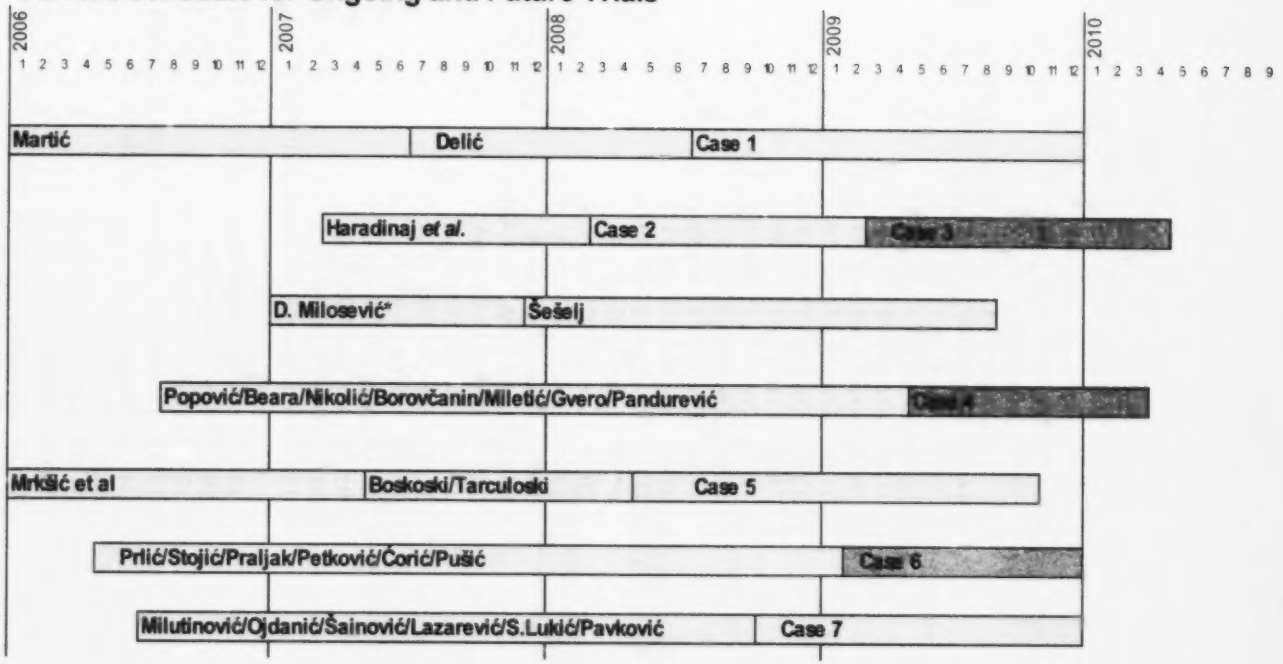
Enclosure VIII

MOTIONS disposed of as of 16 MAY 2007
(with date of disposition)

ICTR		ICTY	
31/05	*Bizimungu* ICTR-99-50-Ar93b	25/05	*Blaškić* IT-95-14-R (*confidential*)
10/07	*Karemera et al* ICTR-98-44	16/05	*Gotovina* IT-03-73-Ar73.1
18/07	*Karemera et al* ICTR-98-44	20/06	*Hadžihasanović* IT-01-45-A
29/08	*Karemera et al* ICTR-98-44	04/06	*Halilović* IT-01-48-A
05/10	*Karemera et al* ICTR-98-44	19/06	*Halilović* IT-01-48-A
05/10	*Karemera et al* ICTR-98-44	25/06	*Halilović* IT-01-48-A
05/10	*Karemera et al* ICTR-98-44	25/09	*Halilović* IT-01-48-A
11/10	*Karemera et al* ICTR-98-44	16/05	*Krajišnik* IT-00-39-A
20/07	*Muvunyi* ICTR-00-55A-A	25/05	*Krajišnik* IT-00-39-A
27/08	*Muvunyi* ICTR-00-55A-A	14/06	*Krajišnik* IT-00-39-A
16/05	*Nahimana et al* ICTR-99-52-A	20/06	*Krajišnik* IT-00-39-A
29/08	*Nahimana et al* ICTR-99-52-A	22/06	*Krajišnik* IT-00-39-A
30/08	*Nahimana et al* ICTR-99-52-A	11/07	*Krajišnik* IT-00-39-A
17/09	*Nahimana et al* ICTR-99-52-A	20/07	*Krajišnik* IT-00-39-A
04/10	*Nahimana et al* ICTR-99-52-A	31/07	*Krajišnik* IT-00-39-A
03/07	*Niyitegeka* ICTR-96-14-R	31/07	*Krajišnik* IT-00-39-A
24/08	*Niyitigeka* ICTR-96-14-R	23/08	*Krajišnik* IT-00-39-A
21/08	*Rutaganda* ICTR-96-3-R	22/08	*Krajišnik* IT-00-39-A
06/06	*Seromba* ICTR-01-66-A	11/09	*Krajišnik* IT-00-39-A
12/07	*Seromba* ICTR-01-66-A	11/09	*Krajišnik* IT-00-39-A
12/07	*Seromba* ICTR-01-66-A	27/09	*Krajišnik* IT-00-39-A
26/07	*Seromba* ICTR-01-66-A	18/10	*Krajišnik* IT-00-39-A
28/08	*Seromba* ICTR-01-66-A	07/06	*Limaj* IT-03-66-A
26/10	*Seromba* ICTR-01-66-A	20/06	*Limaj* IT-03-66-A
21/05	*Simba* ICTR-01-76-A *(confidential)*	18/09	*Limaj* IT-03-66-A
03/07	*Simba* ICTR-01-76-A	13/09	*Limaj* IT-03-66-A
13/07	*Simba* ICTR-01-76-A	06/06	*Lukić* IT-98-32/1-Ar65.1
18/07	*Simba* ICTR-01-76-A	24/07	*Martić* IT-95-11-A
29/08	*Simba* ICTR-01-76-A	10/09	*Martić* IT-95-11-A
10/10	*Simba* ICTR-01-76-A (*confidential*)	21/09	*Martić* IT-95-11-A
		21/09	*Martić* IT-95-11-A
		10/10	*Martić* IT-95-11-A
		05/10	*Martić* IT-95-11-A
		31/10	*Martić* IT-95-11-A
		18/05	*S. Milošević* IT-02-54-Ar108bis.3 (*confidential*)
		18/05	*Orić* IT-03-68-A
		10/07	*Orić* IT-03-68-A
		12/09	*Orić* IT-03-68-A
		17/05	*Trbić* IT-05-88/1-Ar73.1 *(confidential)*
		24/05	*Strugar* IT-01-42-A *(confidential)*
		13/07	*Strugar* IT-01-42-A
		31/08	*Strugar* IT-01-42-A
		31/08	*Strugar* IT-01-42-A
		03/10	*Strugar* IT-01-42-A
		03/10	*Strugar* IT-01-42-A
		24/07	*Zelenović* IT-96-23/2-A
		24/07	*Zelenović* IT-96-23/2-A
		06/09	*Zelenović* IT-96-23/2-A
		20/09	*Zelenović* IT-96-23/2-A
		23/10	*Zelenović* IT-96-23/2-A
		17/10	*Zelenović* IT-96-23/2-A

Enclosure IX
Current Schedule for Ongoing and Future Trials

as of 12 November 2007



Fugitives that must be programmed if the fugitives arrive:

(Karadžić)/(Mladić) - possible joinder with Case 5

(Župljanin) - possible joinder with Case 7

(Hadžić)

New Cases not previously listed:

[redacted]

[redacted]

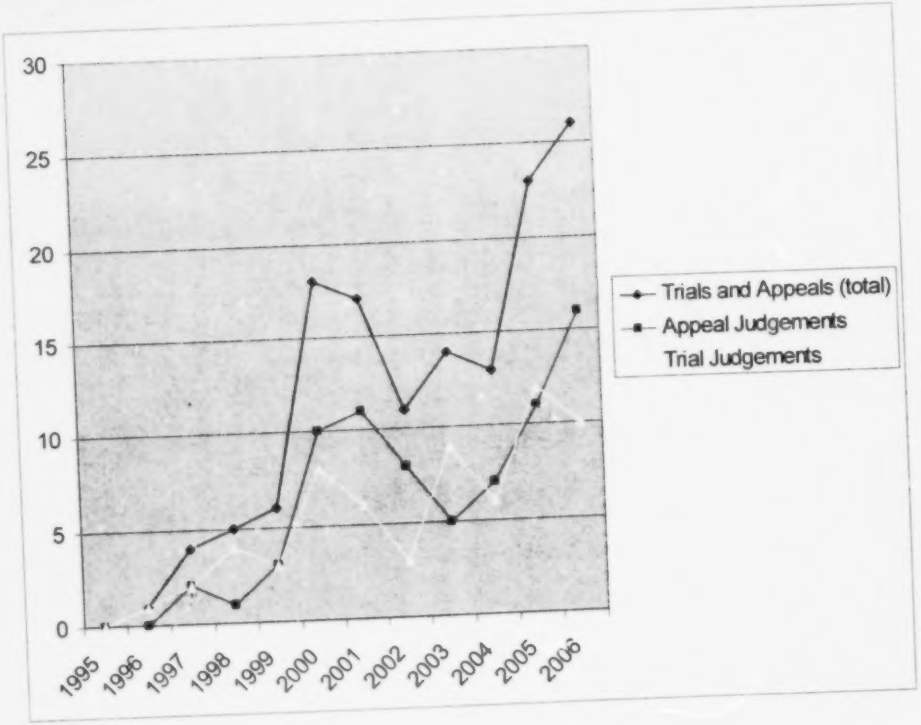
[redacted]

* Judgement writing phase

Enclosure X

Chambers Activity: Judgements

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Trials and Appeals (total)	0	1	4	5	6	18	17	11	14	13	23	26	21
Appeal Judgements	0	0	2	1	3	10	11	8	5	7	11	16	13
Trial Judgements	0	1	2	4	3	8	6	3	9	6	12	10	8



2005

11 Appeal Judgements
- 9 Appeals from Judgement
- 2 Appeals from Referral

12 Trial Judgements
- 6 Judgements
- 6 Referral Judgements

2006

16 Appeal Judgements
- 7 Appeals from Judgement
- 5 Appeals from Referral
- 4 Reviews

10 Trial Judgements
- 6 Judgements
- 4 Referral Judgements

2007 (as of 12 November 2007)

13 Appeal Judgements
- 9 Appeals from Judgement
- 3 Appeals from Referral
- 1 Review

8 Trial Judgements
- 4 Trial Judgements
- 4 Referral Judgements

United Nations A/62/542–S/2007/664

General Assembly
Security Council

Distr.: General
12 November 2007

Original: English

General Assembly
Sixty-second session
Agenda items 106, 107 and 108

Crime prevention and criminal justice

International drug control

Measures to eliminate internat'onal terrorism

Security Council
Sixty-second year

Note verbale dated 8 November 2007 from the Permanent Mission of Tonga to the United Nations addressed to the Secretary-General

The Permanent Mission of the Kingdom of Tonga to the United Nations has the honour, in its capacity as the current Chair of the Pacific Islands Forum, to transmit herewith a copy of the conclusions of the Regional Consultation Workshop on measures for the legislative implementation of the legal regime against terrorism in the Pacific region and related technical assistance delivery, held in Nadi, Fiji, on 25 and 26 June 2007 (see annex).

The Permanent Mission of the Kingdom of Tonga to the United Nations would be grateful if this note verbale and the attached workshop conclusions were circulated as a document of the General Assembly, under agenda items 106, 107 and 108, and of the Security Council.

07-59625 (E) 161107

Annex to the note verbale dated 8 November 2007 from the Permanent Mission of the Kingdom of Tonga to the United Nations addressed to the Secretary-General

Regional Consultation Workshop on measures for the legislative implementation of the legal regime against terrorism in the Pacific region and related technical assistance delivery

Nadi, Fiji, 25 and 26 June 2007

Organized by the United Nations Office on Drugs and Crime in cooperation with the Pacific Islands Forum Secretariat

Workshop conclusions

The participants of the Regional Consultation Workshop on measures for the legislative implementation of the legal regime against terrorism in the Pacific region and related technical assistance delivery, held in Nadi, Fiji, from 25 to 26 June 2007;

Representing the following Pacific Islands Forum countries:

- Australia, Cook Islands, Fiji, Kiribati, Nauru, Niue, New Zealand, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu, as well as Timor-Leste, the special observer of the Forum;

Reaffirming that terrorism poses a significant threat to peace and international security and undermines the core values of the United Nations and the Pacific Islands Forum;

Acknowledging the work undertaken by Forum Members and observers in complying with their international obligations and relevant regional instruments relating to counter-terrorism and their determination to undertake required national level action, as reflected inter alia in the Honiara and Nasonini Declarations;

Acknowledging the development of a counter-terrorism strategy within the Pacific Islands Forum Secretariat (PIFS), taking into account related broad issues including good governance;

Stressing the importance of ratifying and fully implementing the universal counter-terrorism instruments as well as complying with the requirements of all relevant Security Council resolutions;

Welcoming the joint initiative launched by the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC) and the PIFS for reinforcing the delivery of technical assistance to the Forum countries to strengthen the legal regime against terrorism, taking into account the Pacific model law on counter-terrorism and transnational organized crime, developed by the PIFS;

Expressing our appreciation to the Counter-Terrorism Committee Executive Directorate and the 1540 Committee Expert Group for their contributions to the Workshop;

Expressing our appreciation to UNODC and the PIFS for their initiative in organizing the Consultation Workshop;

Have agreed on the following conclusions:

1. Recognize the need to review existing domestic laws and develop new counter-terrorism legislation where appropriate, particularly in the penal field and international cooperation, with the aim of ensuring that they meet the requirements arising from the universal counter-terrorism instruments;

2. Affirm the usefulness and appropriateness of the technical assistance services offered by UNODC/TPB for the legal implementation of the above instruments, in partnership with the PIFS and in coordination with other relevant providers of assistance;

3. Welcome the opportunity and availability of UNODC/TPB and the PIFS to provide on-the-ground and sustained support to the Forum Islands countries and observers and, for this purpose, undertake the following types of activities:

- National level technical support, advisory services and other required expertise assistance in the legal areas relating to counter-terrorism, especially for the ratification of the universal counter-terrorism instruments and the legislative incorporation of their provisions into national legislation, including drafting assistance;
- National level training for relevant criminal justice officials to build counter-terrorism legal capacity for achieving the effective application of the legal regime against terrorism;
- Regional consultations and workshops for the Pacific Islands countries and observers on specialized substantive legal issues, to foster specialized knowledge and expert capacity to address those issues;
- Senior policy level workshops on strengthening the legal regime against terrorism, especially to review progress being made and provide guidance for required further steps pertaining to technical assistance needs and delivery.

4. Recommend Forum Members and observers to draw on the specialized legal and related technical assistance services offered by the Terrorism Prevention Branch of UNODC in partnership with the PIFS;

5. Express our firm intention to formalize technical assistance requests that match our respective country's requirements in the legal and related areas and to submit them through diplomatic channels;

6. Request UNODC/TPB to take the necessary steps for meeting the requests expeditiously upon their submission, in partnership with the PIFS and achieving complementarity and synergy with other relevant initiatives of the PIFS, taking into account other donor agencies;

7. Request UNODC to hold, in partnership with the PIFS, a follow-up consultation in connection with the 2008 meeting of the Working Group on Counter-Terrorism and/or Forum Regional Security Committee Meeting, for reviewing the practical follow-up given to the conclusions of this consultation workshop, especially the fulfilment of the technical assistance requests made by the Pacific

Islands countries, and to review further measures to be pursued for strengthening the legal regime against terrorism;

8. Request the PIFS to bring the conclusions of this consultation workshop to the attention of the Security Council and the General Assembly of the United Nations, for appraising them of the measures being envisaged for technical assistance delivery to the Pacific Islands countries;

9. Take note of the consultations with UNODC, the Counter-Terrorism Committee Executive Directorate and the 1540 Committee Expert Group, and the indicated intention of participating countries to follow up on those consultations through formal technical assistance requests;

10. Recognize that broader law enforcement programmes will complement the implementation of the universal counter-terrorism instruments;

11. Take note of the legal and related technical assistance needs indicated during the bilateral consultations with UNODC by the following countries:

Cook Islands

National workshop for drafting legislation to be able to ratify remaining universal counter-terrorism instruments, especially Nuclear Material Convention, Terrorist Bombing Convention, Maritime Convention and Continental Shelf Platform Convention.

Fiji

Assistance in drafting counter-terrorism legislation and accession to the remaining universal counter-terrorism instruments.

Training for criminal justice officials (prosecutors, law enforcement officers) on counter-terrorism legislation and their application in actual cases.

Kiribati

Basic training for law enforcement officers, and review of the existing counter-terrorism legislation.

Nauru

Review and assess gaps in counter-terrorism legislation and implications for ratification. Training of criminal justice officials (prosecutors, law enforcement officials) on counter-terrorism legislation and their application.

Niue

In-country training of criminal justice officials (judges, prosecutors, investigators) on counter-terrorism legislation and its application.

Palau

Review of gaps in counter-terrorism legislation and suggest appropriate amendments. National workshop to sensitize criminal justice officials to a new 2007 legislation.

Papua New Guinea

Drafting assistance and training of criminal justice officials on counter-terrorism legislation.

Republic of the Marshall Islands

Basic training for law enforcement officers. National workshop to sensitize criminal justice officials on the universal counter-terrorism instruments (remaining four to be ratified). Drafting workshop on counter-terrorism legislation. Training of criminal justice officials (judges, prosecutors, investigators) on counter-terrorism legislation and application.

Samoa

Assistance in drafting counter-terrorism legislation, and in the criminal law aspects of counter-terrorism related areas, such as financial law and practice, customs and border security law, and civil aviation.

Solomon Islands

In-country training of criminal justice officials (judges, prosecutors, investigators) on counter-terrorism legislation and its application. Assistance in complying with relevant reporting obligations.

Timor-Leste

Technical assistance requested after Parliamentary elections (next month) and formation of new Government. National workshop on ratification and implementation of universal counter-terrorism instruments.

Vanuatu

Review of the 2005 Counter-Terrorism Act to check for gaps and for the purpose of incorporating requirements of universal counter-terrorism instruments not yet ratified.

Review of extradition and mutual legal assistance legislation. In-country training of criminal justice officials on the enforcement of the counter-terrorism legislation.

United Nations S/2007/665

Security Council

Distr.: General
13 November 2007
English
Original: French

Letter dated 12 November 2007 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a report on the work of the Security Council during the presidency of France in September 2007 (see annex). The document was prepared under my responsibility, after consultation with the other members of the Security Council.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jean-Maurice **Ripert**

07-59670 (E) 151107 161107

Annex to the letter dated 12 November 2007 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of France (September 2007)

Under the presidency of Ambassador Jean-Maurice Ripert, Permanent Representative of France to the United Nations, the Security Council engaged in an extensive programme of work during the month of September. The Security Council held 15 meetings, including one at the summit level, four briefings and one meeting with troop-contributing countries. The Council held consultations of the whole on nine occasions. The Council adopted six resolutions and three presidential statements, and agreed on four statements to the press.

Africa

Democratic Republic of the Congo

During consultations on 7 September, the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, briefed the Council on the situation in North Kivu, in the eastern Democratic Republic of the Congo, where the refusal of the combatants of renegade General Laurent Nkunda to engage in the *brassage* process resulted in escalating tensions with the armed forces of the Democratic Republic of the Congo.

During consultations on 11 September, the Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs, John Holmes, on the humanitarian situation in the eastern Democratic Republic of the Congo. He emphasized the urgent humanitarian needs in the Kivus, where continued fighting had caused massive displacements of population, stressed the alarming scale of sexual violence in the country, and called for stronger determination in fighting impunity.

On the same day, Council members approved a statement to the press on the situation in North Kivu, in which they expressed their deep concern at the recent clashes in North Kivu between Nkunda's elements and the armed forces of the Democratic Republic of the Congo, as well as the continuing activities of the Forces démocratiques de libération du Rwanda and other illegal armed groups.

They stressed the need to ensure that all illegal armed groups in the eastern Democratic Republic of the Congo do not receive any support and disarm without any further delay. They expressed their support for the action of the United Nations Organization Mission in the Democratic Republic of the Congo, in particular its actions to protect civilians, and urged the Congolese authorities to redouble their efforts to seek a comprehensive solution to address and resolve the root causes of the current tensions in the Kivus through political and diplomatic means and to intensify their efforts to address impunity.

Liberia

The Council held a private meeting on 6 September with the troop-contributing countries to the United Nations Mission in Liberia (UNMIL). The

Council afterwards heard a briefing by the Special Representative of the Secretary-General for Liberia, Alan Doss, who presented the report of the Secretary-General (S/2007/479) on the situation in Liberia.

On 20 September, the Council adopted, as a presidential text, resolution 1777 (2007), by which it extended the mandate of UNMIL until 30 September 2008 and reduced the number of personnel to be deployed from October 2007 to September 2008, as recommended by the Secretary-General.

Somalia

Ambassador Dumisani Shadrack Kumalo (South Africa), in his capacity of Chairman of the Committee established pursuant to resolution 751 (1992), briefed the Council on 11 September on the work of the Monitoring Group and of the sanctions Committee. He stressed in particular that Somalia was, as reported by the Monitoring Group, awash in arms.

Peace and security in Africa

On 25 September, Nicolas Sarkozy, President of the French Republic, chaired a Security Council summit debate on the theme "Peace and security in Africa", with the participation of the Secretary-General and the Chairman of the Commission of the African Union, Alpha Oumar Konaré. The participants highlighted the importance of peace and security in Africa for the international community as a whole. In the context created by the adoption of resolutions 1769 (2007) and 1778 (2007), they stressed the necessity for the United Nations and the African Union to continue their efforts to strengthen their institutional and operational cooperation.

Sierra Leone

On 19 September, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, on the situation in Sierra Leone after the second round of the presidential elections. He stressed that the electoral process had been free and fair, in spite of some tension that had been kept under control by the independent Electoral Commission and the police forces. He expressed the hope that the international community would give its support to the country to enable it to face the economic and security challenges before it. The members of the Council concurred and adopted a statement to the press commending the people of Sierra Leone.

Sudan

During its consultations on 7 September, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations on the implementation of the Comprehensive Peace Agreement and the activities of the United Nations Mission in the Sudan (UNMIS). The members of the Council noted that, although the North-South peace process continued to progress, many important issues remained unresolved or behind schedule. They stressed the need for the parties to remain committed to fully implementing the Comprehensive Peace Agreement.

During its consultations on 10 September, the Council heard the quarterly briefing by the Chairman of the Committee established pursuant to resolution 1591 (2005), Ambassador Marcello Spatafora (Italy), on the activities of the Committee.

Council members were informed, in particular, that the Committee had examined the second interim report submitted by the Panel of Experts in July. On 28 September, the Council unanimously adopted resolution 1779 (2007), submitted by the United Kingdom of Great Britain and Northern Ireland and the United States of America, by which it extended the mandate of the Panel of Experts on the Sudan until 15 October 2008.

During its consultations on 12 September, the Council was briefed by the Secretary-General on his recent visit to the Sudan, Chad and the Libyan Arab Jamahiriya. The visit enabled the Secretary-General to give additional momentum to the joint efforts undertaken by the United Nations and the African Union on Darfur, including the preparations for the African Union-United Nations Hybrid Operation (UNAMID) and the next steps in the political process, to address regional aspects of the Darfur crisis, to recall the crucial importance of a full and timely implementation of the Comprehensive Peace Agreement, and to draw attention to the central importance of development in ensuring a sustainable end to conflicts. The members of the Council reiterated their unwavering support for the action of the Secretary-General on Darfur.

Chad, the Central African Republic and the subregion

During its consultations on 19 September, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations on the preparations for a multidimensional presence in eastern Chad and the north-eastern Central African Republic, as requested in the presidential statement dated 27 August 2007 (S/PRST/2007/30).

On 25 September, the Council unanimously adopted, as a presidential text, resolution 1778 (2007), by which it approved the establishment in Chad and the Central African Republic of a multidimensional presence intended to help create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, and consisting of a United Nations mission (the United Nations Mission in the Central African Republic and Chad), a special Chadian police force (Police tchadienne pour la protection humanitaire) and a military operation of the European Union. The Ministers for Foreign Affairs of Chad and the Central African Republic, Ahmad Allam-Mi and Côme Zoumara, attended the meeting.

Asia

Timor-Leste

On 10 September, the Special Representative of the Secretary-General, Atul Khare, briefed the Council on the situation in Timor-Leste and the work of the United Nations Integrated Mission in Timor-Leste (UNMIT). The Special Representative underlined the progress achieved through the electoral process, but stressed the challenges, relating notably to security sector reform, justice and accountability and internally displaced persons, lying ahead. The Council adopted a presidential statement (S/PRST/2007/33), in which it emphasized the need for all parties to resolve disputes through peaceful channels and reaffirmed its full support for UNMIT.

Afghanistan

On 19 September, the Council, by 14 votes, with 1 abstention, adopted resolution 1776 (2007), by which it extended the mandate of the International Security Assistance Force until 13 October 2008. On 30 September, the Council released a statement to the press condemning the terrorist attack in Kabul on 29 September.

Myanmar

On 20 September, the Special Envoy of the Secretary-General, Ibrahim Gambari, briefed the Council on Myanmar. On 26 September, the Council held an emergency consultation in response to the crisis in Myanmar. After the consultation, the President made an oral statement to the media, expressing the support of the Council for the Secretary-General's decision to send the Special Envoy to the region.

Middle East

On 20 September, the Council heard a presentation by the Under-Secretary-General for Political Affairs, Lynn Pascoe, and held consultations on the situation in the Middle East, particularly concerning the Palestinian issue.

Lebanon

On 19 September, the Council was briefed by the Under-Secretary-General for Legal Affairs, Nicolas Michel, on the Secretary-General's report (S/2007/525) on the implementation of resolution 1757 (2007) regarding the establishment of the Special Tribunal for Lebanon.

On the same day, the members of the Council approved a statement to the press welcoming the Secretary-General's report (S/2007/525) on the implementation of resolution 1757 (2007) regarding the establishment of the Special Tribunal for Lebanon.

On 20 September, the Council adopted a presidential statement (S/PRST/2007/34), in which it condemned the terrorist attack in Beirut on 19 September which killed at least seven persons, including a Member of Parliament, Antoine Ghanem.

On 21 September, the President of the Security Council addressed a letter to the Secretary-General (S/2007/557) informing him that the members of the Council, having carefully considered his letter dated 20 September (S/2007/556), referred to resolutions 1644 (2005) and 1748 (2007) and invited the International Independent Investigation Commission to extend appropriate technical assistance to the Lebanese authorities in the investigation of the murder of Member of Parliament Antoine Ghanem on 19 September.

On 27 September, the members of the Council approved a statement to the press, delivered by the President of the Council, the Minister for Foreign Affairs of France, Bernard Kouchner, calling for the holding of a free and fair presidential election in conformity with Lebanese constitutional norms and schedules, and without any foreign interference, in full respect of the sovereignty of Lebanon, on the basis of national unity and in an atmosphere free of violence, fear and

intimidation, in particular against the representatives of the Lebanese people and institutions.

Europe

Georgia

On 26 September, the Council discussed the situation in Georgia in the light of the armed incident of 20 September 2007. Members of the Council expressed regret for the loss of life and concern about the increased tension within and outside the zone of conflict.

Organization for Security and Cooperation in Europe

On 28 September, the Council heard a briefing by Miguel Angel Moratinos Cuyaubé, Minister for Foreign Affairs and Cooperation of Spain and Chairman-in-Office of the Organization for Security and Cooperation in Europe, on the priorities and activities of OSCE.

Americas

Haiti

On 12 September, the Secretary-General briefed the Council on his visit to Haiti in August.

Other issues

Non-proliferation

On 19 September, the Chairman of the Committee established pursuant to resolution 1737 (2006), Ambassador Johan C. Verbeke (Belgium), presented the report of that Committee. The report, which provided a summary of the Committee's activities during the previous 90 days, was adopted by the Council at a formal meeting.

International Criminal Tribunal for Rwanda and International Tribunal for the Former Yugoslavia

Pursuant to the requests formulated in two letters dated 31 July 2007, addressed to the President of the Security Council by the Secretary-General, the Council unanimously adopted resolution 1774 (2007), by which it reappointed the Prosecutor of the International Criminal Tribunal for Rwanda, Hassan Bubacar Jallow, for a term of four years; and adopted, by 14 votes, with 1 abstention, resolution 1775 (2007), by which it extended the term of the Prosecutor of the International Tribunal for the Former Yugoslavia, Carla del Ponte, until 31 December 2007.